

Form for Bringing New (Never Catalogued) RCRA Files
to the Region 5 RCRA Records Center

Today's Date: 2/15/17

Your name: Chris Lambertis

Phone: 6-3583

Site Name: EnviroSafe Services of Ohio

Site EPA ID Number: OH0 045 243 706

Type(s) of documents:

RCRA CA RFA ☐

RCRA enforcement ☐

RCRA CA RFI ☐

RCRA permit ☒

RCRA CA CMS ☐

TSCA spill cleanup ☐

RCRA CA CMI ☐

Other (describe): ES Determination
G.I. 9

Quantity of documents: # of boxes: _____ # of folders: 1

Is any information sensitive or FOIA-exempt? Yes ☐ No ☐

If yes, why is it sensitive/FOIA-exempt?

- RCRA CBI ☐
- Attorney-client privilege records for an on-going EPA legal action ☐
- Attorney work product for an on-going EPA legal action ☐
- Would reveal EPA's internal deliberations for an on-going legal action ☐
- Contains personal privacy info (e.g. SSN, home address, or medical info) ☐
- Related to an ongoing civil or criminal investigation ☐
- Could identify a confidential source ☐
- Would reveal EPA law enforcement techniques or procedures ☐

**PLEASE SEGREGATE ANY SENSITIVE/EXEMPT INFORMATION
AND IDENTIFY IT AS SUCH.**

Can documents go straight to the Federal Record Center (archives)? Yes ☐ No ☐
(Documents can be recalled from FRC in 48-72 hours)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

DW-8J

March 30, 2005

Mr. Ed Lim, Manager
Engineering/Risk Assessment Section
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Lazarus Government Center
122 South Front Street
Columbus, OH 43216-1049

RE: EnviroSAFE Services of Ohio, Inc. (ESOI)
U.S. EPA ID OHD045243706
Latitude: 41.66743
Longitude: -83.468362

Dear Mr. Lim:

The United States Environmental Protection Agency (U.S. EPA) has determined that the EnviroSAFE Services of Ohio, Inc. (ESOI) facility does not qualify as a potential environmental justice area. U.S. EPA has based its analysis on its June 1998 *Revised Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice Case*, available on the internet at: <http://www.epa.gov/grtlakes/envjustice/ejguidelines.html>. A copy of the analysis is enclosed. As with all permitting decisions, the determination was reached based upon demographic considerations of low income and minority populations within a 4-mile radius of the site, and also on any environmental justice concerns raised by the community.

U.S. EPA encourages, but does not require, States to implement the guidelines. Under Title VI of the Civil Rights Act of 1964, States that receive federal assistance may decide to conduct a similar assessment. Several complaints have been filed with the U.S. EPA's Office of Civil Rights which alleged that permits issued in Region 5 have resulted in discriminatory effects on the basis of race, color, or national origin.

We recognize that Ohio EPA encourages public participation beginning early in the ESOI permitting decision process.

We recommend that you continue to enhance your public outreach to this community and would be happy to provide assistance with this effort. If you have any questions regarding this analysis, please contact me at 312-886-3583.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Lambesis".

Christopher Lambesis
Technical Support and Permitting Section
Waste Management Branch

Enclosure

cc: Harriet Croke
John Gaitskill

EJ Letter to State of Ohio
 Envirosafe Services of Ohio, Inc.(ESOI)
 U. S. EPA ID# OHD 045 243 706
 File: C:\EPA Work\HVP\Prabhu\ESOI Oregon OH\EJ Letter to State....
 Hejmadi [Marty] Prabhu March 30, 2005

WASTE MANAGEMENT BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR Marty Prabhu	TSPS SECTION CHIEF	CORRECTIVE ACTION SECTION CHIEF	POL. PREV. & SPEC. INTIV SEC. CHIEF	WMB BRANCH CHIEF	WPTD DIVISION DIRECTOR
<i>Marty</i> <i>3/30/05</i>					



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CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

DW-8J

MEMORANDUM TO FILE

Date: March 30, 2005

Subject: Envirosafe Services of Ohio, Inc.(ESOI)

From: Christopher Lambesis and Hejmadi (Marty) Prabhu

To: Administrative Record for the Permitting Action Envirosafe Services of Ohio, Inc.(ESOI)
U.S. EPA ID OHD045243706
Latitude: 41.66743, Longitude: -83.468362

Introduction

This demographic analysis is being performed as part of the Resource Conservation and Recovery Act (RCRA) permit application review process in order to determine whether the Envirosafe Services of Ohio, Inc. (ESOI) facility is in a low income or minority area for which environmental justice (EJ) may be a consideration in any Federal action.

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. It is the goal of the United States Environmental Protection Agency (U.S. EPA) to recognize and address disproportionately high and adverse human health and environmental effects of its programs upon minority and low-income populations. The focus on environmental justice issues grew from the February 11, 1994, Executive Order 12898 entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The Executive Order states:

[t]o the greatest extent practicable and permitted by law . . . each Federal Agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

Although there are no U.S. EPA national guidelines, Region 5 has developed interim Guidelines as a basis to determine whether a case should be classified as an environmental justice case. U.S. EPA Region 5 "*Revised Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice Case*" dated June 1998 ("Guidelines") offer a defined procedure for identifying potential environmental justice cases.

Background

Envirosafe Services of Ohio, Inc. (ESOI) located at 876 Otter Creek Road, Oregon, Ohio 43616 ESOI is a RCRA (Resource Conservation and Recovery Act) permitted hazardous waste treatment, storage, and disposal facility. ESOI treats hazardous waste in the Stabilization/Containment Building to meet certain regulatory requirements and disposes of waste in an on-site landfill. The active landfill unit at the facility is designated as Cell M and is constructed with dual liner and leachate collection systems. Waste management activities at the site date back to 1954 and there are a number of inactive or closed waste disposal units. The closed landfill units are Cells F, G, H, I, as well as two sanitary landfills. Activity also includes storage and treatment within a containment building and storage in tanks, storage in containers, and transportation of hazardous waste. ESOI utilizes permitted storage tanks to store leachate that is generated at the facility prior to its disposal at an off-site permitted hazardous waste facility.

ESOI is requesting renewal of its hazardous waste installation and operation permit in order to continue to be authorized for the storage, treatment and disposal of permitted hazardous waste codes (various D, F, K, P and U waste codes) as listed in the Part A of ESOI's Application.

ESOI is requesting renewal of its authorization to store 3200 cubic yards of hazardous waste in seven (7) outdoor storage areas (of which three areas have yet to be constructed, G, I and L) and 1700 cubic yards of hazardous waste in eight (8) storage areas within the Stabilization/Containment Building.

ESOI is requesting renewal of its authorization to store 100,000 gallons of liquid waste in indoor tanks (leachate tanks) and 60,000 gallons of oily waste in outdoor storage tanks which have yet to be constructed (S-4 through S-7).

ESOI is requesting renewal of its authorization to process a maximum of 250,000 tons of incoming and on-site generated waste per calendar year within the Stabilization/Containment Building.

ESOI is requesting renewal of its authorization to dispose of hazardous wastes in their active landfill (Cell M).

Environmental Justice Criteria

The EJ guidelines give the following criteria for identifying a potential EJ area:

1. The percentage of low income or minority population in the census block group, or within a 1-, 2-, or 4- mile radius around the facility is greater than or equal to two times the state's average low income or minority percentages respectively; or
2.
 - A. The percentage of low income or minority population in the census block group, or within a 1-, 2-, or 4- mile radius around the facility is greater than the state's average low income or minority percentages, but less than two times the state's average low income or minority percentages respectively; and
 - B. The community identifies itself as an environmental justice area, the community reveals that environmental justice issues are involved, or U.S. EPA believes that environmental justice issues exist at the site.

Demographic Analyses based on year 2000 census

U.S. EPA analyzed the demographic data from the census block group, and within a 1-, 2-, and 4-mile radius of the location of the facility. The results of the analyses are presented below.

1. State Demographic Review

Name of State	Percent Minority	Two Times Percent Minority	Percent Low Income	Two Times Percent Low Income
Ohio	16	32	27	54

2. Facility Demographic Review

Facility Demographics	Total Population	Percent Minority	Percent Low Income ¹
Census Block Group	588	1.02	16.84
1-Mile Radius	2,220	14.56	26.53
2-Mile Radius	14,862	21.28	35.21
4-Mile Radius	90,241	30.28	42.31

Environmental Justice Concerns raised by the community or others

According to the U.S. EPA Permit Writer John Gaitskill, ESOL, OEPA and U.S. EPA have not received written and/or telephone comments from the public or any environmental and other groups about the facility concerning environmental justice.

¹ The Guidelines define "Low Income" as household income which is less than double the poverty level.

Conclusion

This analysis shows that the low income and/or minority percentages in some of the areas adjoining the site are greater than the respective state's average minority and/or low income percentages (see tables 1, 2, 2.1, and 2.2 on page 3 and 4) but below two times the state's average minority and/or low income percentages.

According to the facts and criteria above, U.S. EPA determines that the area around the ESOI facility does not qualify as an environmental justice area.

Although U. S. EPA has determined that the facility area does not satisfy the criteria to be designated as an environmental justice area, the level of protection is not lessened. U. S. EPA intends to exercise its authority under RCRA to ensure the human health and environment of all populations are protected. As part of their community involvement activities, Ohio EPA and U. S. EPA will provide the community with an information repository during the permit renewal process and may also initiate other public outreach efforts.

Attachment 1 Demographic Analysis Summary

ArcView GIS software is used to identify potential environmental justice areas near hazardous waste sites. To use ArcView GIS, one needs to have all data geo-referenced. In other words, all data, points, lines and polygons (areas), need geographic coordinates (latitude/longitude). In creating the maps, charts and tables the following steps were taken.

- 1) The site latitude/longitude were located through U.S. EPA's Envirofacts database. Envirofacts holds information from seven of U.S. EPA's major databases. The latitude/longitude accuracy in Envirofacts varies from zip code centroid location to the site having data located by Global Positional System (GPS). If a site's latitude/longitude accuracy is not at least identified by an address match process or not available in Envirofacts, then a latitude/longitude is obtained by using the Internet site www.mapblast.com address matching capabilities. In MapBlast's mapping section, one provides the address of the facility and it will return a map of the area and the latitude/longitude for the facility.
- 2) The geographic coordinates for the site are brought into the ArcView software and overlaid with 2000 Census demographic data. All data in the ArcView GIS project are geo-referenced by its geographic coordinates.
- 3) To identify population characteristics near a facility, concentric circles of 1-, 2- and 4-mile radii from the site are created. Since all data are geo-referenced, distances can be calculated by the software.
- 4) Census data are broken down into census tracts. A census tract does not cross county boundaries and is made up of census block groups. Census block groups are made up of census blocks. In a densely populated area, a census block is approximately a city block where, in a sparsely populated area, a census block can equal the area of a census tract. Census tracts cover an area of approximately 4000 people.
- 5) To determine the total population within a given radius around a facility and within a given state, we sum the total populations of all census blocks contained completely within the radius with portions of the total populations of the census blocks that overlap the radius. These portions are determined by assuming the population is evenly distributed across the census block and we take the percentage of the population relative to the area inside the radius compared to the whole area of the census block. The same procedure is used to determine total minority and total low-income populations within a given radius around a facility.
- 6) If a facility is located near a state border, further analysis is required. When a concentric circle of 1-, 2- or 4-mile radius from a site crosses a state border, we compare the percent minority and percent low-income of the area that is located within each state and within the radius to the respective state's percentage of minority and low-income.



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REPLY TO THE ATTENTION OF:

DW-8J

March 30, 2005

Mr. Ed Lim, Manager
Engineering/Risk Assessment Section
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Lazarus Government Center
122 South Front Street
Columbus, OH 43216-1049

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U.S. EPA ID OHD045243706
Latitude: 41.66743
Longitude: -83.468362

Dear Mr. Lim:

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We recommend that you continue to enhance your public outreach to this community and would be happy to provide assistance with this effort. If you have any questions regarding this analysis, please contact me at 312-886-3583.

Sincerely,

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Christopher Lambesis
Technical Support and Permitting Section
Waste Management Branch

Enclosure

cc: Harriet Croke
John Gaitskill

EJ Letter to State of Ohio
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 File: C:\EPA Work\HVP\Prabhu\ESOI Oregon OH\EJ Letter to State....
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According to the facts and criteria above, U.S. EPA determines that the area around the ESOI facility does not qualify as an environmental justice area.

Although U. S. EPA has determined that the facility area does not satisfy the criteria to be designated as an environmental justice area, the level of protection is not lessened. U. S. EPA intends to exercise its authority under RCRA to ensure the human health and environment of all populations are protected. As part of their community involvement activities, Ohio EPA and U. S. EPA will provide the community with an information repository during the permit renewal process and may also initiate other public outreach efforts.

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GAITS KILLER JOHN WANTS THIS NOW
TODAY, YESTERDAY, LAST YEAR

DW-8J

March 28, 2005

Mr. Ed Lim, Manager
Engineering/Risk Assessment Section
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Lazarus Government Center
122 South Front Street
Columbus, OH 43216-1049

RE: Envirosafe Services of Ohio, Inc. (ESOI)
U. S. EPA ID# OHD045243706
Latitude: 41.66743
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Dear Mr. Lim:

The U.S. Environmental Protection Agency (U.S. EPA) conducted an environmental justice demographic analysis for the area surrounding the Envirosafe Services of Ohio, Inc. (ESOI) ^{facility}. A copy of the analysis is enclosed. U.S. EPA has determined that the area around ~~Envirosafe Services of Ohio, Inc. (ESOI)~~ qualifies as a potential environmental justice area.

As described in the enclosed analysis, this determination was reached by evaluating the proportion of low income and minority populations in the area near the facility and taking into account the environmental justice concerns raised by the community. The proportion of population classified by the 2000 Census as minority and/or low income in a vicinity of the ~~Envirosafe Services of Ohio, Inc. (ESOI)~~ facility for the 2-mile and 4-mile radius area where the site is located is greater than the state's minority or low income percentages, but less than two times the state's minority or low income percentages.

To determine the total population within a given radius around a facility, we sum the total populations of all census blocks contained completely within the radius with portions of the total populations of the census blocks that overlap the radius. These portions are determined by assuming the population is evenly distributed across the census block and we take the percentage of the population relative to the area inside the radius compared to the whole area of the census block.

The same procedure is used to determine total minority and total low-income populations within a given radius around a facility.

What about public address?

In conducting this evaluation, U.S. EPA relied on its June 1998 *Revised Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice Case*. U.S. EPA encourages, but does not require, states to implement the guidelines. In addition, states that receive financial assistance from U.S. EPA agree to comply with Title VI of the Civil Rights Act of 1964 and the regulations at 40 C.F.R. Part 40.

We recognize that Ohio EPA has encouraged public participation beginning early in the EnviroSafe Services of Ohio, Inc. (ESOI) permitting decision process. ~~Is this correct??~~ *Yes*

We recommend that you continue to enhance your public outreach to this community and would be happy to provide assistance with this effort. If you have any questions regarding this analysis, please contact me at 312-886-3583.

Sincerely,

Christopher Lambesis
Technical Support and Permitting Section
Waste Management Branch

Enclosure

cc: Harriet Croke
John Gaitskill

EJ Letter to State of Ohio
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TYPIST/ AUTHOR Marty Prabhu	TSPS SECTION CHIEF	CORRECTIVE ACTION SECTION CHIEF	POL. PREV. & SPEC. INTIV SEC. CHIEF	WMB BRANCH CHIEF	WPTD DIVISION DIRECTOR



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Date: March 28, 2005

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Envirosafe Services of Ohio, Inc. (ESOI) is located at 876 Otter Creek Road, Oregon, Ohio 43616. ESOI is a RCRA (Resource Conservation and Recovery Act) permitted hazardous waste treatment, storage, and disposal facility. ESOI treats hazardous waste in the Stabilization/Containment Building to meet certain regulatory requirements and disposes of waste in an on-site landfill. The active landfill unit at the facility is designated as Cell M and is constructed with dual liner and leachate collection systems. Waste management activities at the site date back to 1954 and there are a number of inactive or closed waste disposal units. The closed landfill units are Cells F, G, H, I, as well as two sanitary landfills. Activity also includes storage and treatment within a containment building and storage in tanks, storage in containers, and transportation of hazardous waste. ESOI utilizes permitted storage tanks to store leachate that is generated at the facility prior to its disposal at an off-site permitted hazardous waste facility.

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ESOI is requesting renewal of its authorization to dispose of hazardous wastes in their active landfill (Cell M).

Environmental Justice Criteria

The EJ guidelines give the following criteria for identifying a potential EJ area:

1. The percentage of low income or minority population in the census block group, or within a 1-, 2-, or 4- mile radius around the facility is greater than or equal to two times the state's average low income or minority percentages respectively; or
2. A. The percentage of low income or minority population in the census block group, or within a 1-, 2-, or 4- mile radius around the facility is greater than the state's average low income or minority percentages, but less than two times the state's average low income or minority percentages respectively; and

B. The community identifies itself as an environmental justice area, the community reveals that environmental justice issues are involved, or U.S. EPA believes that environmental justice issues exist at the site.

Demographic Analyses based on year 2000 census

U.S. EPA analyzed the demographic data from the census block group, and within a 1-, 2-, and 4-mile radius of the location of the facility. ~~Part of the demographic data for the facility falls in the neighboring state of Michigan.~~ The results of the analyses are presented below:

1. State Demographic Review

Name of State	Percent Minority	Two Times Percent Minority	Percent Low Income	Two Times Percent Low Income
Ohio	16	32	27	54

Michigan

7

2. Facility Demographic Review

Facility Demographics	Total Population	Percent Minority	Percent Low Income ¹
Census Block Group	588	1.02	16.84
1-Mile Radius	2,220	14.56	26.53
2-Mile Radius	14,862	21.28	35.21
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According to the U.S. EPA Permit Writer John Gaitskill, EnviroSAFE Services of Ohio, Inc., OEPA and U.S. EPA have not received written and/or telephone comments from the public or any environmental and other groups about the facility concerning environmental justice. ?????

I think they have!

¹ The Guidelines define "Low Income" as household income which is less than double the poverty level.

Conclusion

7
This analysis shows that the low income and/or minority percentages in some of the areas adjoining the site are greater than the respective states' average minority and/or low income percentages.(see tables 1, 2, 2.1, and 2.2 on page 3 and 4) This finding, when taken together with the fact that the USEPA wants the public to be made aware of the environmental justice issues for this site, could be regarded as meeting EJ guidelines criteria # 2 (see page 2). We therefore recommend that this area be treated as a potential environmental justice area.

Attachment 1 Demographic Analysis Summary


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- 1) The site latitude/longitude were located through U.S. EPA's Envirofacts database. Envirofacts holds information from seven of U.S. EPA's major databases. The latitude/longitude accuracy in Envirofacts varies from zip code centroid location to the site having data located by Global Positional System (GPS). If a site's latitude/longitude accuracy is not at least identified by an address match process or not available in Envirofacts, then a latitude/longitude is obtained by using the Internet site www.mapblast.com address matching capabilities. In MapBlast's mapping section, one provides the address of the facility and it will return a map of the area and the latitude/longitude for the facility.
- 2) The geographic coordinates for the site are brought into the ArcView software and overlaid with 2000 Census demographic data. All data in the ArcView GIS project are geo-referenced by its geographic coordinates.
- 3) To identify population characteristics near a facility, concentric circles of 1-, 2- and 4-mile radii from the site are created. Since all data are geo-referenced, distances can be calculated by the software.
- 4) Census data are broken down into census tracts. A census tract does not cross county boundaries and is made up of census block groups. Census block groups are made up of census blocks. In a densely populated area, a census block is approximately a city block where, in a sparsely populated area, a census block can equal the area of a census tract. Census tracts cover an area of approximately 4000 people.
- 5) To determine the total population within a given radius around a facility and within a given state, we sum the total populations of all census blocks contained completely within the radius with portions of the total populations of the census blocks that overlap the radius. These portions are determined by assuming the population is evenly distributed across the census block and we take the percentage of the population relative to the area inside the radius compared to the whole area of the census block. The same procedure is used to determine total minority and total low-income populations within a given radius around a facility.
- 6) If a facility is located near a state border, further analysis is required. When a concentric circle of 1-, 2- or 4-mile radius from a site crosses a state border, we compare the percent minority and percent low-income of the area that is located within each state and within the radius to the respective state's percentage of minority and low-income.



ENVIRONMENTAL OF OTHO, OREGON, OTHO 43616
OTHO 045 243 706.

John Gaitskill /R5/USEPA/US
03/29/2005 11:09 AM

To Hejmadi Prabhu/R5/USEPA/US@EPA
cc
bcc
Subject EJ Analysis for EnviroSAFE 

I made a couple of calls to OEPA and they could not recall receiving any EJ inquiries regarding EnviroSAFE.
John 66795

DW-8J

January 28, 2005

Mr. Ed Lim, Manager
Engineering/Risk Assessment Section
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Lazarus Government Center
122 South Front Street
Columbus, OH 43216-1049

RE: Envirosafe Services of Ohio, Inc.(ESOI)
U. S. EPA ID# OHD045243706
Latitude: 41.66743
Longitude: -83.468362

Dear Mr. Lim:

The U.S. Environmental Protection Agency (U.S. EPA) conducted an environmental justice demographic analysis for the area surrounding the Envirosafe Services of Ohio, Inc.(ESOI). A copy of the analysis is enclosed. U.S. EPA has determined that the area around Envirosafe Services of Ohio, Inc.(ESOI) qualifies as a potential environmental justice area.

As described in the enclosed analysis, this determination was reached by evaluating the proportion of low income and minority populations in the area near the facility and taking into account the environmental justice concerns raised by the community. The proportion of population classified by the 2000 Census as minority and/or low income in a vicinity of the Envirosafe Services of Ohio, Inc.(ESOI) facility for the 2-mile and 4-mile radius area where the site is located is greater than the state's minority or low income percentages, but less than two times the state's minority or low income percentages.

To determine the total population within a given radius around a facility, we sum the total populations of all census blocks contained completely within the radius with portions of the total populations of the census blocks that overlap the radius. These portions are determined by assuming the population is evenly distributed across the census block and we take the percentage of the population relative to the area inside the radius compared to the whole area of the census block.

The same procedure is used to determine total minority and total low-income populations within a given radius around a facility.

In conducting this evaluation, U.S. EPA relied on its June 1998 *Revised Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice Case*. U.S. EPA encourages, but does not require, states to implement the guidelines. In addition, states that receive financial assistance from U.S. EPA agree to comply with Title VI of the Civil Rights Act of 1964 and the regulations at 40 C.F.R. Part 40.

We recognize that Ohio EPA has encouraged public participation beginning early in the EnviroSafe Services of Ohio, Inc.(ESOI) permitting decision process. Is this correct??

We recommend that you continue to enhance your public outreach to this community and would be happy to provide assistance with this effort. If you have any questions regarding this analysis, please contact me at 312-886-3583.

Sincerely,

Christopher Lambesis
Technical Support and Permitting Section
Waste Management Branch

Enclosure

cc: Harriet Croke
John Gaitskill

EJ Letter to State of Ohio

Envirosafe Services of Ohio, Inc.(ESOI)

U. S. EPA ID# OHD 045 243 706

File: C:\EPA Work\HVPrabhu\ESOI Oregon OH\EJ Letter to State....

Hejmadi [Marty] Prabhu

January 28, 2005

WASTE MANAGEMENT BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR Marty Prabhu	TSPS SECTION CHIEF	CORRECTIVE ACTION SECTION CHIEF	POL. PREV. & SPEC. INTIV SEC. CHIEF	WMB BRANCH CHIEF	WPTD DIVISION DIRECTOR

Revised DRAFT: DATED JAN 28, 2005



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
DW-8J

MEMORANDUM TO FILE

Date: January 21, 2005

Subject: EnviroSAFE Services of Ohio, Inc.(ESOI)

From: Christopher Lambesis and Hejmadi (Marty) Prabhu

To: Administrative Record for the Permitting Action EnviroSAFE Services of Ohio, Inc.(ESOI)
U.S. EPA# OHD045243706
Latitude: 41.66743, Longitude: -83.468362

Introduction

This demographic analysis is being performed as part of the Resource Conservation and Recovery Act (RCRA) permit application review process in order to determine whether the EnviroSAFE Services of Ohio, Inc.(ESOI) facility is in a low income or minority area for which environmental justice (EJ) may be a consideration in any Federal action.

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. It is the goal of the United States Environmental Protection Agency (U.S. EPA) to recognize and address disproportionately high and adverse human health and environmental effects of its programs upon minority and low-income populations. The focus on environmental justice issues grew from the February 11, 1994, Executive Order 12898 entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The Executive Order states:

[t]o the greatest extent practicable and permitted by law . . . each Federal Agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

Although there are no U.S. EPA national guidelines, Region 5 has developed interim Guidelines as a basis to determine whether a case should be classified as an environmental justice case. U.S. EPA Region 5
"Revised Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice

Revised DRAFT: DATED JAN 28, 2005

Case" dated June 1998 ("Guidelines") offer a defined procedure for identifying potential environmental justice cases.

Background

Envirosafe Services of Ohio, Inc. (ESOI) is located at 876 Otter Creek Road, Oregon, Ohio 43616. ESOI is a RCRA (Resource Conservation and Recovery Act) permitted hazardous waste treatment, storage, and disposal facility. ESOI treats hazardous waste in the Stabilization/Containment Building to meet certain regulatory requirements and disposes of waste in an on-site landfill. The active landfill unit at the facility is designated as Cell M and is constructed with dual liner and leachate collection systems. Waste management activities at the site date back to 1954 and there are a number of inactive or closed waste disposal units. The closed landfill units are Cells F, G, H, I, as well as two sanitary landfills. Activity also includes storage and treatment within a containment building and storage in tanks, storage in containers, and transportation of hazardous waste. ESOI utilizes permitted storage tanks to store leachate that is generated at the facility prior to its disposal at an off-site permitted hazardous waste facility.

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Environmental Justice Criteria

The EJ guidelines give the following criteria for identifying a potential EJ area:

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2. A. A low income or minority percentage of the census block group, 1-, 2-, or 4- mile radius area where the site is located is greater than the state's low income or minority percentages, but less than

Revised DRAFT: DATED JAN 28, 2005

two times the state's low income or minority percentages; and

B. The community identifies itself as an environmental justice area, the community reveals that environmental justice issues are involved, or U.S. EPA believes that environmental justice issues exist at the site.

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U.S. EPA analyzed the demographic data from the census block group, and within a 1-, 2-, and 4-mile radius of the location of the facility. Part of the demographic data for the facility falls in the neighboring state of Michigan. The results of the analyses are presented below:

1. State Demographic Review

Name of State	Percent Minority	Two Times Percent Minority	Percent Low Income	Two Times Percent Low Income
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¹ The Guidelines define "Low Income" as household income which is less than double the poverty level.

Revised DRAFT: DATED JAN 28, 2005

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Conclusion

This analysis shows that the low income and/or minority percentages in some of the areas adjoining the site are greater than the respective states' average minority and/or low income percentages. (see tables 1, 2, 2.1, and 2.2 on page 3 and 4) This finding, when taken together with the fact that the USEPA wants the public to be made aware of the environmental justice issues for this site, could be regarded as meeting EJ guidelines criteria # 2 (see page 2). We therefore recommend that this area be treated as a potential environmental justice area.

Revised DRAFT: DATED JAN 28, 2005

Attachment 1

ArcView GIS software is used to identify potential environmental justice areas near hazardous waste sites. To use ArcView GIS, one needs to have all data geo-referenced. In other words, all data, points, lines and polygons (areas), need geographic coordinates (latitude/longitude). In creating the maps, charts and tables the following steps were taken.

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1/25/2005 Larry Lehman

X	Y	FACID	FACNAME	TOTALPOP	TOTIPOP	TOTMIN	TOTIPOV	TOTLOW	PERLOW	PERPOV	PERMIN
-83.4684	41.6674	ENVIROSA	Envirosave Services of Oh	90286.90326	88593.18705	27357.9929	18622.73136	37487.54308	42.32553803	21.02050054	30.30117538

Contact the nearest divorce mediation attorney and obtain a free case evaluation.

DRAFT DATED JAN 25, 2005



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590**

REPLY TO THE ATTENTION OF:

DW-8J

MEMORANDUM TO FILE

Date: January 21, 2005

Subject: Envirosafe Services of Ohio, Inc.(ESOI)

From: Christopher Lambesis and Hejmadi (Marty) Prabhu

To: Administrative Record for the Permitting Action Envirosafe Services of Ohio, Inc.(ESOI)
U.S. EPA# OHD045243706
Latitude: 41.66743, Longitude: -83.468362

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DRAFT DATED JAN 25, 2005

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*Harbor View
B.P.*

¹ The Guidelines define "Low Income" as household income which is less than double the poverty level.

DRAFT DATED JAN 25, 2005

2.1 Facility Demographic State of Ohio Only [AWAITING NUMBERS FROM LARRY]

Facility Demographics	Total Population	Percent Minority	Percent Low Income
Census Block Group	588	1.02	16.84
1-Mile Radius	2,220	14.56	26.53
2-Mile Radius	14,862	21.28	35.21
4-Mile Radius			

2.2 Facility Demographic State of Michigan Only

Facility Demographics	Total Population	Percent Minority	Percent Low Income
Census Block Group	0	0	0
1-Mile Radius	0	0	0
2-Mile Radius	0	0	0
4-Mile Radius			

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DRAFT DATED JAN 25, 2005

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DRAFT DATED JAN 25, 2005

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Envirosafe Services of Ohio Inc							
876 Otter Creek Road							
Oregon, OH 43616							
OHD 045 243 706							
Latitude: 41.66743							
Longitude: -83.468362							
					16	27	
Geographic Area	Total Population	Minority population	Low Income Population	Total Population in Poverty	2x = 32% Percent Minority	2x = 54% Percent Low Income	Percent Poverty
Block Group	588	6	99	47	1.02	16.84	8.08
1-Mile Radius	✓ 2220	323	583	✓ 178	14.6 ✓	26.53	✓ 8.08
2-Mile Radius	✓ 14862	3162	5102	✓ 2266	✓ 21.28	35.21	15.7 ✓ 15.64
4-Mile Radius	✓ 90241	27328	37468	✓ 18606	✓ 30.28	42.31	20.6 ✓ 21.01
Averages: Ohio							
Percent Minority	16.00						
Percent Low Income	27.00						
Date: December 30, 2004							

Description of Facility

OAC Rule 3745-50-22 (B)(1)

located at _____

Envirosafe Services of Ohio, Inc. (ESOI) is a RCRA (Resource Conservation and Recovery Act) permitted hazardous waste treatment, storage, and disposal facility. ESOI treats hazardous waste in the Stabilization/Containment Building to meet certain regulatory requirements and disposes of waste in an on-site landfill. The active landfill unit at the facility is designated as Cell M and is constructed with dual liner and leachate collection systems. Waste management activities at the site date back to 1954 and there are a number of inactive or closed waste disposal units. The closed landfill units are Cells F, G, H, I, as well as two sanitary landfills. Activity also includes storage and treatment within a containment building and storage in tanks, storage in containers, and transportation of hazardous waste. ESOI utilizes permitted storage tanks to store leachate that is generated at the facility prior to its disposal at an off-site permitted hazardous waste facility.

Description of Requested Permit Renewal

OAC Rule 3745-50-22 (B)(2)

ESOI is requesting renewal of its hazardous waste installation and operation permit in order to continue to be authorized for the storage, treatment and disposal of permitted hazardous waste codes (various D, F, K, P and U waste codes) ~~as listed in the Part A of ESOI's Application.~~ ✓✓

ESOI is requesting ~~renewal of its~~ ✓✓ authorization to store 3200 cubic yards of hazardous waste in seven (7) outdoor storage areas (of which three areas have yet to be constructed, G, I and L) and 1700 cubic yards of hazardous waste in eight (8) storage areas within the Stabilization/Containment Building.

ESOI is requesting renewal of its authorization to store 100,000 gallons of liquid waste in indoor tanks (leachate tanks) and 60,000 gallons of oily waste in outdoor storage tanks which have yet to be constructed ~~(S-4 through S-7).~~ ✓✓

ESOI is requesting renewal of its authorization to process a maximum of 250,000 tons of incoming and on-site generated waste per calendar year within the Stabilization/Containment Building.

ESOI is requesting renewal of its authorization to dispose of hazardous wastes in their active landfill (Cell M) ~~as identified in Attachment B of ESOI's permit.~~

		2000 CENSUS				
	REGION 5 STATES: DATA FOR LOW INCOME AND MINORITY POPULATION					
State	Low Income	2 Times Low Income	Minority	2 Times Minority	Poverty	
Illinois	26%	52%	32%	64%	11%	
Indiana	26%	52%	14%	28%	10%	
Michigan	26%	52%	21%	42%	11%	
Minnesota	22%	44%	12%	24%	8%	
Ohio	27%	54%	16%	32%	11%	
Wisconsin	24%	48%	13%	26%	9%	

	2000 CENSUS				
	REGION 5 STATES: DATA FOR LOW INCOME AND MINORITY POPULATION				
State	Low Income	2 Times Low Income	Minority	2 Times Minority	Poverty
Illinois	26%	52%	32%	64%	11%
Indiana	26%	52%	14%	28%	10%
Michigan	26%	52%	21%	42%	11%
Minnesota	22%	44%	12%	24%	8%
Ohio	27%	54%	16%	32%	11%
Wisconsin	24%	48%	13%	26%	9%
	DATA FOR STATES BORDERING REGION 5 STATES				
Iowa	20%	40%	6%	12%	9%
Kentucky	24%	48%	10%	20%	16%
Missouri	22%	44%	15%	30%	12%
North Dakota	21%	42%	8%	16%	12%
South Dakota	22%	44%	11%	22%	13%
Pennsylvania	22%	44%	15%	30%	11%
West Virginia	24%	48%	5%	10%	18%



U.S. Environmental Protection Agency Environmental Justice Geographic Assessment Tool

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Statistics represent residential population within a 1 mile radius around "ENVIROSAFE SERVICES OF OHIO INCORPORATED"

Enter a new radius value (max. 10 miles)

Go

Social

Economic

Health

Environmental

Map

Regional

County and State Comparison


Overview

Total Persons:	✓ 2220	Land Area:	90.2%	Households in Area:	831
Population Density:	910.62 /sq mi	Water Area:	9.8%	Housing Units in Area:	885
Percent Minority:	✓ 14.6%	Persons Below Poverty Level:	✓ 178 (8%)	Households on Public Assistance:	32
This space intentionally left blank		Housing Units Built <1970:	67%	Housing Units Built <1950:	40%

Race and Age*

Race Breakdown	Persons (%)	Age Breakdown	Persons(%)
White:	1982 (89.3%)	Child 5 years or less:	182 (8.2%)
African-American:	56 (2.5%)	Minors 17 years and younger:	610 (27.5%)
Hispanic-Origin:	226 (10.2%)	Adults 18 years and older:	1611 (72.5%)
Asian/Pacific Islander:	17 (0.8%)	Seniors 65 years and older:	246 (11.1%)
American Indian:	5 (0.2%)	This space intentionally left blank	
Other Race:	98 (4.4%)		

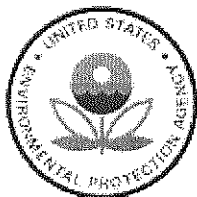
Multiracial:	61 (2.8%)
(* Columns that add up to 100% are highlighted)	

SOURCE: U.S. Bureau of the Census 
Data represents population and housing statistics by block group for Census 2000.

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Enter a new radius value (max. 10 miles)

Go

Social

Economic

Health

Environmental

Map

Regional

County and State Comparison


Overview

Total Persons:	✓ 14867	Land Area:	89.4%	Households in Area:	5574
Population Density:	1472.33 /sq mi	Water Area:	10.6%	Housing Units in Area:	6076
Percent Minority:	✓ 21.3%	Persons Below Poverty Level:	✓ 2267 (15.2%)	Households on Public Assistance:	327
This space intentionally left blank		Housing Units Built <1970:	67%	Housing Units Built <1950:	37%

Race and Age*

Race Breakdown	Persons (%)	Age Breakdown	Persons(%)
White:	12317 (82.8%)	Child 5 years or less:	1439 (9.7%)
African-American:	1561 (10.5%)	Minors 17 years and younger:	4176 (28.1%)
Hispanic-Origin:	1359 (9.1%)	Adults 18 years and older:	10691 (71.9%)
Asian/Pacific Islander:	129 (0.9%)	Seniors 65 years and older:	2145 (14.4%)
American Indian:	21 (0.1%)	This space intentionally left blank	
Other Race:	536 (3.6%)		

Multiracial:	303	(2.0%)
(* Columns that add up to 100% are highlighted)		

SOURCE: U.S. Bureau of the Census 
Data represents population and housing statistics by block group for Census 2000.

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Statistics represent residential population within a 4 mile radius around "ENVIROSAFE SERVICES OF OHIO INCORPORATED"

Enter a new radius value (max. 10 miles)

Go

Social

Economic

Health

Environmental

Map

Regional

County and State Comparison


Overview

Total Persons:	90263	Land Area:	87.3%	Households in Area:	35026
Population Density:	2246.96 /sq mi	Water Area:	12.7%	Housing Units in Area:	38467
Percent Minority:	30.3%	Persons Below Poverty Level:	18612 (20.6%)	Households on Public Assistance:	2445
This space intentionally left blank		Housing Units Built <1970:	80%	Housing Units Built <1950:	54%

Race and Age*

Race Breakdown	Persons (%)	Age Breakdown	Persons(%)
White:	66167 (73.3%)	Child 5 years or less:	8822 (9.8%)
African-American:	17168 (19.0%)	Minors 17 years and younger:	26529 (29.4%)
Hispanic-Origin:	7996 (8.9%)	Adults 18 years and older:	63735 (70.6%)
Asian/Pacific Islander:	442 (0.5%)	Seniors 65 years and older:	11143 (12.3%)
American Indian:	316 (0.3%)	This space intentionally left blank	
Other Race:	3316 (3.7%)		

Multiracial:	2854 (3.2%)
(* Columns that add up to 100% are highlighted)	

SOURCE: U.S. Bureau of the Census 
Data represents population and housing statistics by block group for Census 2000.

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http://oaspub.epa.gov/envjust/demog_service.get_geom

From: Hejmadi (Marty) Prabhu/R5/USEPA/US
Sent by: Hejmadi Prabhu/R5/USEPA/US
To: Harriet Croke/R5/USEPA/US@EPA

Date: Friday, January 21, 2005 03:44PM
Subject: Re: Fw: Renewal for Envirosafe Landfill in Oregon, Ohio

Harriet:

I am working on this. I just got the data printed out. I will analyze the data over the week end and get a draft memo for you and Chris by Tuesday.

Meanwhile I am revising the memo to Admin File for WTI based on Larry's new numbers. WTI is still a potential EJ site (based on EJ criteria 2, as I explained to Gary Victorine and he included this in his letter of JAN 21--Harriet Croke to Ed Lim):

OHIO: Block group: minority and Low income; and 1,2, and 4 mile for low income

West Virginia: 1,2 and 4 mile for low income

pennsylvania: 2 and 4 mile for low income

Hejmadi (Marty) Prabhu

U. S. EPA Region 5

Waste Pesticides and Toxics Division

Waste Management Branch

Technical Support and Permits Section

Mail Code: DW-8J; Station 08139

77 West Jackson Blvd.

Chicago, IL 60604

Telephone: 312-886-1478

Fax: 312-353-4788

e-mail: prabhu.hejmadi@epa.gov

-----Harriet Croke/R5/USEPA/US@EPA wrote: -----

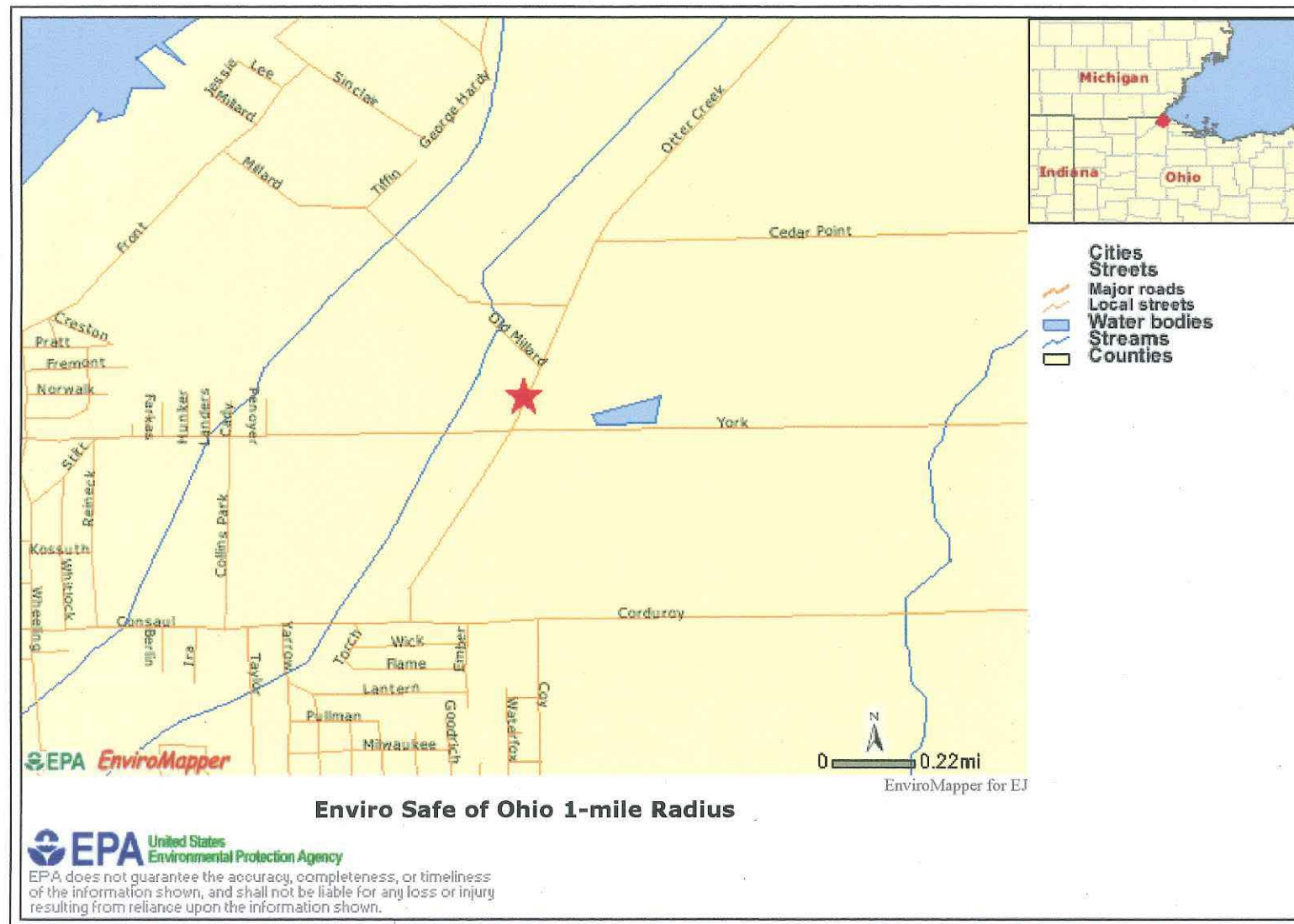
To: Hejmadi Prabhu/R5/USEPA/US@EPA
 From: Harriet Croke/R5/USEPA/US@EPA
 Date: 01/21/2005 03:23PM
 Subject: Fw: Renewal for Envirosafe Landfill in Oregon, Ohio

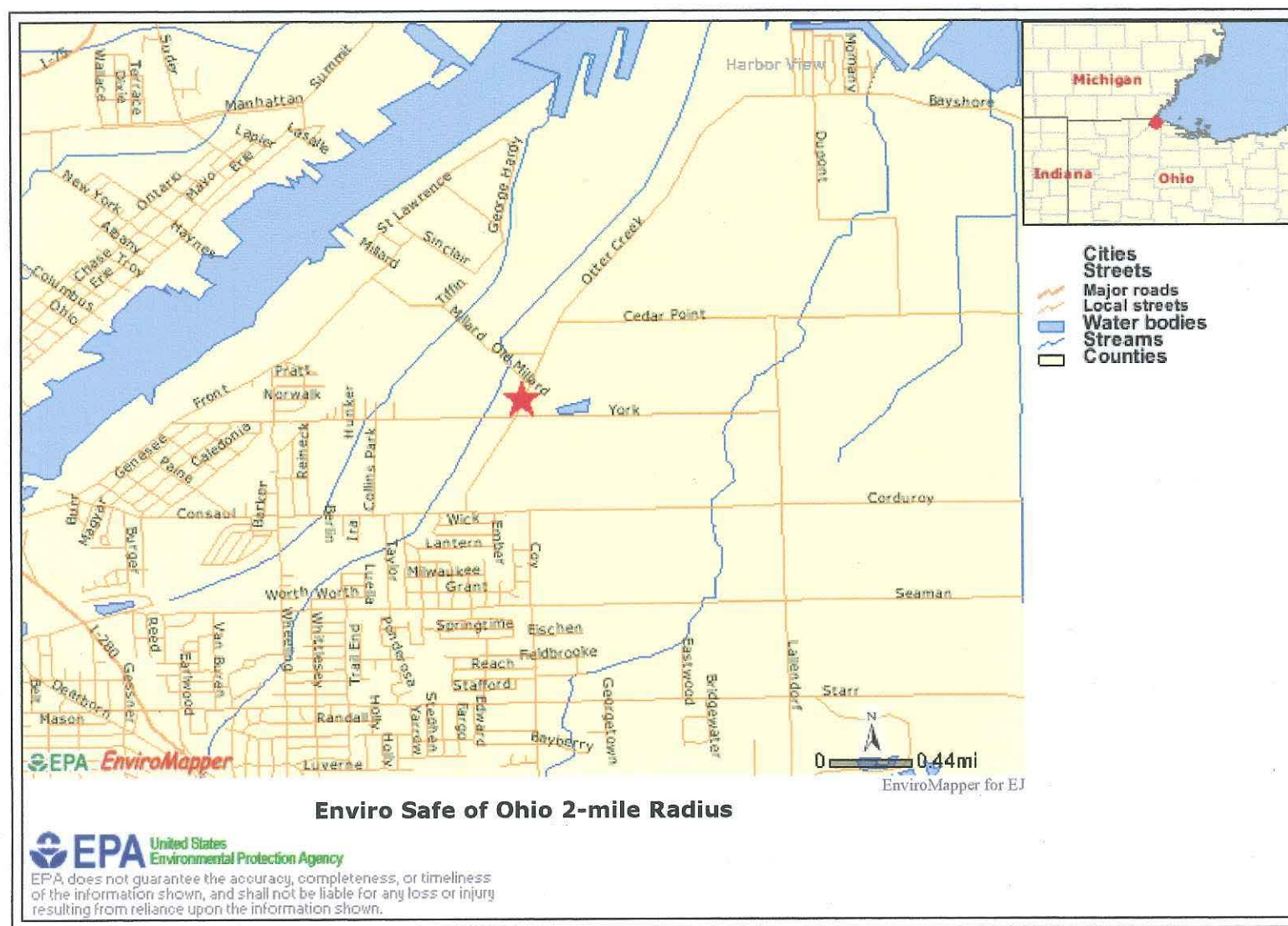
-----Forwarded by Harriet Croke/R5/USEPA/US on 01/21/2005 03:22PM -----

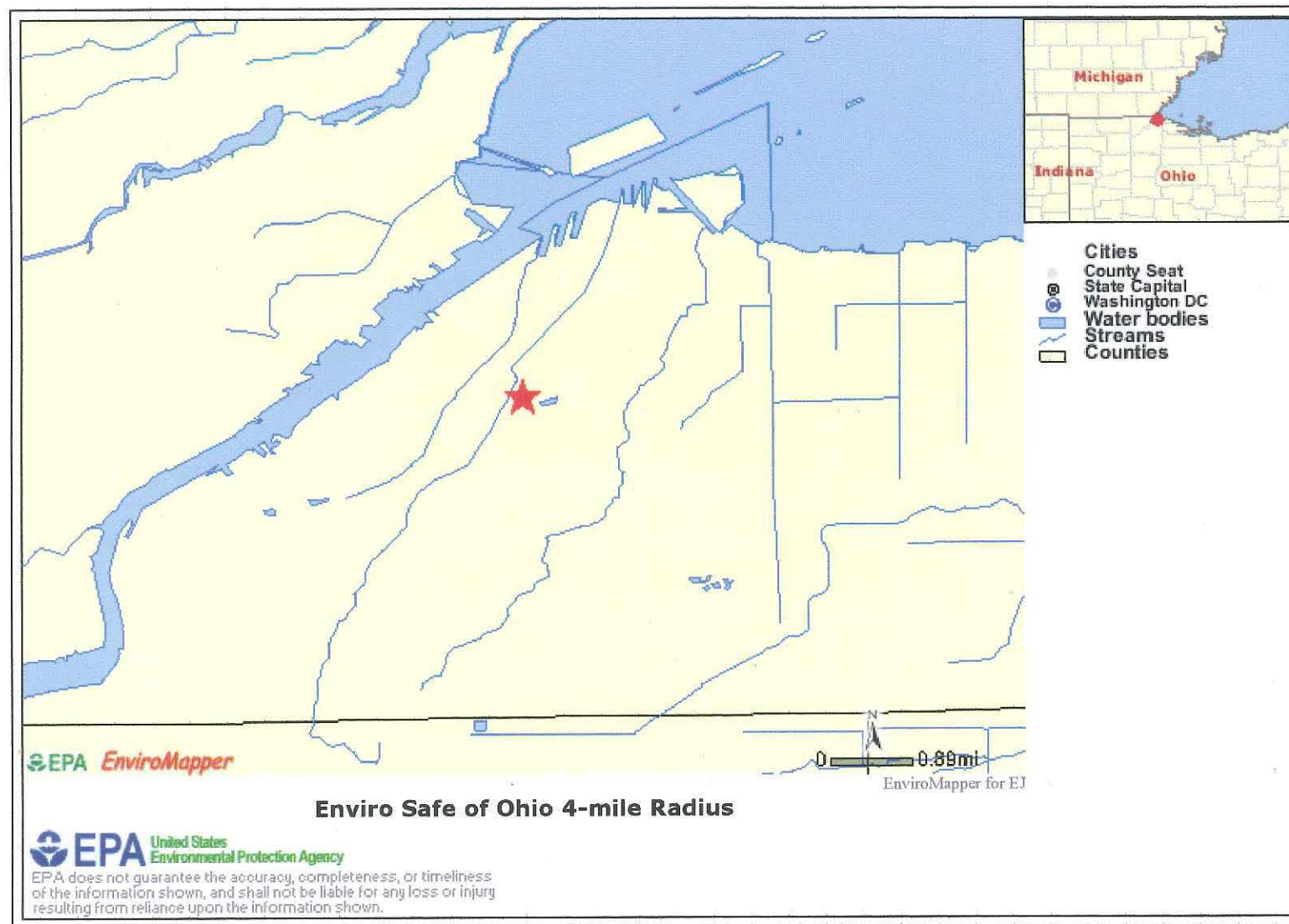
-----Forwarded by Harriet Croke/R5/USEPA/US on 01/21/2005 02:43PM -----

To: Harriet Croke/R5/USEPA/US@EPA
From: Ed Lim <ed.lim@epa.state.oh.us>
Date: 01/21/2005 02:20PM
Subject: Renewal for Envirosafe Landfill in Oregon, Ohio

We are getting close to putting together the renewal package for the
ESOI landfill...I think there is a joint permit componenet to
this (John
Gaitskill is the contact)...are you doing an EJ analysis on this
site?
Please advise..thanks, Ed L









U.S. Environmental Protection Agency

Facility Registry System (FRS)

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FRS

Facility Detail Report

Facility Name:	ENVIROSAFE SERVICES OF OHIO INCORPORATED
Location Address:	876 OTTER CREEK RD.
Supplemental Address:	
City Name:	OREGON
State:	OH
County Name:	LUCAS
ZIP/Postal Code:	436161200
EPA Region:	05
Congressional District Number:	09
Legislative District Number:	
HUC Code:	04100010
Federal Facility:	NO
Tribal Land:	
Latitude:	41.66743
Longitude:	-83.468362
Method:	ADDRESS MATCHING-HOUSE NUMBER
Reference Point Description:	PLANT ENTRANCE (GENERAL)
Duns Number:	
Registry ID:	110000384352

[Map this facility](#)

Environmental Interests

Information System	Information System ID	Environmental Interest Type	Data Source	Last Updated Date	Supplemental Environmental Interests:
ICIS	29377	FORMAL ENFORCEMENT ACTION	ICIS	11/13/2001	ICIS-05-1996-0640 FORMAL ENFORCEMENT ACTION ICIS-05-2001-0429 FORMAL ENFORCEMENT ACTION ICIS-05-1989-0092 FORMAL ENFORCEMENT ACTION ICIS-05-1987-0339 FORMAL ENFORCEMENT ACTION ICIS-05-1985-0064 FORMAL ENFORCEMENT ACTION
NCDB	I05#19890118OH021 1	COMPLIANCE ACTIVITY	NCDB		
NEI	NEIOHT\$5876	HAZARDOUS AIR POLLUTANTS INVENTORY	NEI		
OH-CORE	27256	STATE MASTER	OH-CORE		RCRA-OHD045243706 HAZARDOUS WASTE PROGRAM -0448020066 AIR MAJOR TRIS-43616NVRSF876OT TRI REPORTER
PCS	OH0053864	NPDES NON-MAJOR	NPDES PERMIT	02/28/1994	
RBLC	3205	AIR MAJOR	RBLC		
RCRAINFO	OHD045243706	HAZARDOUS WASTE BIENNIAL REPORTER	RCRAINFO	07/26/2002	
RCRAINFO	OHD045243706	LQG	NOTIFICATION (RCRA)	08/14/1996	

RCRAINFO	OHD045243706	TRANSPORTER	NOTIFICATION (RCRA)	08/14/1996	
RCRAINFO	OHD045243706	TSD	NOTIFICATION (RCRA)	08/14/1996	
TRIS	43616NVRSF876OT	TRI REPORTER	TRI REPORTING FORM	06/27/2001	

Facility Mailing Addresses

Affiliation Type	Delivery Point	City Name	State	Postal Code	Information System
FACILITY MAILING ADDRESS	876 OTTER CREEK RD.	OREGON	OH	43616-1200	TRIS
FACILITY MAILING ADDRESS	876 OTTER CREEK ROAD	OREGON	OH	436161200	RCRAINFO
OWNER	1155 BUSINESS CENTER DR	HORSHAM	PA	190443454	RCRAINFO
OWNER	876 OTTER CREEK ROAD	TOLEDO	OH	43624	PCS
PRIMARY MAILING ADDRESS	876 OTTER CREEK ROAD	OREGON	OH	43616	PCS
REGULATORY CONTACT	4350 NAVARRE AVE	OREGON	OH	436167571	RCRAINFO

NAICS Codes

Data Source	NAICS Code	Description	Primary	Report Discrepancy
NEI	562			Report
RCRAINFO	562211	HAZARDOUS WASTE TREATMENT AND DISPOSAL.		Report
RCRAINFO	562212	SOLID WASTE LANDFILL.		Report

SIC Codes

Data Source	SIC Code	Description	Primary	Report Discrepancy
NEI	4953	REFUSE SYSTEMS		Report
ICIS	4953	REFUSE SYSTEMS		Report
RBLC	4953	REFUSE SYSTEMS		Report

TRIS	4953	REFUSE SYSTEMS		Report
PCS	4959	SANITARY SERVICES, NOT ELSEWHERE CLASSIFIED		Report
OH-CORE	7389	BUSINESS SERVICES, NOT ELSEWHERE CLASSIFIED		Report
ICIS	8999	SERVICES, NOT ELSEWHERE CLASSIFIED		Report
NCDB	DP			Report

Contacts

Affiliation Type	Full Name	Office Phone	Information System	Mailing Address	Report Discrepancy
COGNIZANT OFFICIAL	JAMES HAMILTON, PRES.	4192555100	PCS		Report
PUBLIC CONTACT			RBLC		Report
REGULATORY CONTACT	KENNETH L HUMPHREY	4196983500246	RCRAINFO	View	Report

Organizations

Affiliation Type	Name	DUNS Number	Information System	Mailing Address	Report Discrepancy
OWNER	ENVIROSAFE SERVICES OF OHIO		PCS	View	Report
OWNER	ENVIROSAFE SERVICES OF OHIO IN		OH-CORE		Report
OWNER	ENVIROSOURCE TECHNOLOGIES INC		RCRAINFO	View	Report
OWNER	ENVIROSOURCE TECHNOLOGIES INC		OH-CORE		Report

Alternative Names

Alternative Name
ENVIROSAFE SERVICES OF OHIO
ENVIROSAFE SERVICES OF CGOHIO
ENVIROSAFE SERVICES OTTER CREEK RD

Query executed on: DEC-28-2004

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Last updated on Tuesday, December 28th, 2004
http://oaspub.epa.gov/enviro/fii_query_dtl.disp_program_facility

John Gaitskill /R5/USEPA/US

12/07/2004 04:21 PM

To Hejmadi Prabhu/R5/USEPA/US@EPA

cc

bcc

Subject EJ for ESOI 

Greetings,

Please prepare the EJ analysis for **Envirosafe Services of Ohio** **OHD 045 243 706**. OEPA may be ready to do the public notice in a few weeks.

THanks

John 66795

Form for Bringing New (Never Catalogued) RCRA Files
to the Region 5 RCRA Records Center

Today's Date: 2/14/17

Your name: Chris Lamberts

Phone: 63583

Site Name: East Side of Ohio

Site EPA ID Number: 04D 045 243 706

Type(s) of documents:

RCRA CA RFA ☐

RCRA enforcement ☐

RCRA CA RFI ☐

RCRA permit ☒

RCRA CA CMS ☐

TSCA spill cleanup ☐

RCRA CA CMI ☐

Other (describe): Permit Mod

Quantity of documents: # of boxes: 3

of folders: 1

Is any information sensitive or FOIA-exempt? Yes ☐ No ☐

If yes, why is it sensitive/FOIA-exempt?

• RCRA CBI ☐

• Attorney-client privilege records for an on-going EPA legal action ☐

• Attorney work product for an on-going EPA legal action ☐

• Would reveal EPA's internal deliberations for an on-going legal action ☐

• Contains personal privacy info (e.g. SSN, home address, or medical info) ☐

• Related to an ongoing civil or criminal investigation ☐

• Could identify a confidential source ☐

• Would reveal EPA law enforcement techniques or procedures ☐

**PLEASE SEGREGATE ANY SENSITIVE/EXEMPT INFORMATION
AND IDENTIFY IT AS SUCH.**

Can documents go straight to the Federal Record Center (archives)? Yes ☐ No ☐

(Documents can be recalled from FRC in 48-72 hours).



CITY OF OREGON OHIO

5330 SEAMAN ROAD • OREGON, OHIO 43616-2608

RECEIVED
MAY 22 2001

WASTE MANAGEMENT BRANCH
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

KENNETH J. FILIPIAK, City Administrator
Office: (419) 698-7095
Fax: (419) 691-0241

PAUL S. GOLDBERG, Law Director
Office: (419) 471-0006
Fax: (419) 479-3960

May 17, 2001

Mr. Christopher Lambesis
Region 5
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Envirosafe Proposed Permit Modification
to Cut Ground Water Monitoring Frequency

Dear Mr. Lambesis:

The City of Oregon, in the strongest possible terms, opposes Envirosafe Services of Ohio's proposed permit modification to cut its ground water monitoring from four times per year to two times per year. This is the second time that Envirosafe has proposed this reduction in testing. (Since the original Part B, Envirosafe continues to request modifications that reduce cost at the expense of environmental protection.) . Oregon instead urges the agency to up grade the ground water system to meet the ground water protection standard. We attach our earlier letter and comments opposing the reduction in testing and incorporate them herein.

The ground water monitoring system is our first line of defense against the 5,000,000,000 pounds of toxic waste buried at the Envirosafe site. Because this hazardous waste facility is in the Lake Erie watershed, this early warning system could not be more critical. The four time a year federal testing has been crucial to the system. The first reported positive wells—and later additional wells—were identified during the periods Envirosafe proposes to eliminate.



Oregon bases its comments upon a review by our consultant Dr. Alison Spongberg of the University of Toledo. Dr. Spongberg teaches courses in geology, hydrogeology, and landfills. Dr. Spongberg opposes the reduction in ground water monitoring from four times per year to two times per year. Her essential reason for doing so is the flow pattern at the site. The pumping at BP creates a yearly cycle that even causes a reversal in flow so that "up gradient" is not constant. At other times the bedrock aquifer is nearly stagnant.

The US EPA's Ground Water Task Force studied this issue and reached the conclusion that semi-annual sampling was not adequate. In its 1986 report, the Task Force concluded that:

The proposed semi-annual monitoring frequency for contaminants is unacceptable and should be increased to at least quarterly. (At page 9, extract of report attached.)

The Task Force was specifically concerned about the affects of the BP pumping.¹

Envirosafe has shown no reason to change the US EPA Task Force's recommendation that "at least quarterly" monitoring is necessary. Instead, the facts today compel quarterly sampling. Today we know that the site is leaking and there are many confirmed positive wells. The facts demonstrate that quarterly monitoring is effective and needed. Again, it is the federal four times a year sampling that detected the spread of contamination.

Upgrades are needed in the monitoring system. Envirosafe continues to insist that the site's clays are "10 to the minus 7". But, at the same time Envirosafe reports confirmed contamination in the shallow and deep wells beneath the Lacustrine and shallow till formations. Dr. Spongberg points out that the contamination could not reach these depths under the geologic conditions Envirosafe claims. Instead the pattern of known contamination at these depth is consistent with more rapid movement through the geologic layers; for example, through fractures and irregularities.

Dr. Spongberg states that there is good reason to expect that the deep till will also allow migration again through similar fractures and other geologic irregularities. The Ohio Academy of Science recently ran a special issue devoted to fractures in Ohio clay tills². This study concluded that every clay till studied in Ohio has such fractures. This means that increased scrutiny of the deep aquifer at this site is imperative.

¹ Because of the BP pumping effects, the Task Force also recommended at least monthly sampling for flow direction: "Due to the low ground water flow gradient, the recent seasonal variations in ground water flow directions, and the effects of the Standard Oil Company's pumping on ground water flow directions, the determination of the ground water flow direction should be monthly at a minimum."

² We are obtaining an additional copy of this report and will forward it to you shortly.

Already, the same compounds found in the shallow and deep wells have been initially detected in the bedrock wells in the same well clusters. Dr. Spongberg's review indicates that weaknesses in the R-well system likely mask the true extent of potential contamination in the deep aquifer: As discussed in our earlier comments and supplemented here:

1. The R-wells are screened too deep in the aquifer. The R-wells are not screened at the aquifer surface, but at much deeper depths. This means that:
 - (a) any dissolved contamination is diluted by the aquifer before reaching the screened depths;
 - (b) any immiscible floating contaminants would not be recovered from the well. This defeats the "early" warning function of the system.
2. The R-wells are screened over too long a depth again causing dilution.
3. The screening problems are made worse by the artificial BP draw down³. This draw down may pull-off the upper most waters (those that first receive contamination) toward BP before reaching the screen in the well. In short, BP's pumping cycle can both pull-off the contamination before the upper waters reach the screen and create a dilution effect
4. Currently Envirosafe does not immediately take "confirming" samples after an initial positive. Instead, it takes the "confirming samples" months after the initial positive. This almost certainly causes either the initial or the confirming samples or both to be taken when the diluting effects of BP and the screening effects are pronounced. (Envirosafe's statistical consultant stated that retests must be immediate to be valid.)
5. More R-wells, particularly along the northern portion of the site, are needed.
6. Additional chemical parameters must be added to the monitoring list.

Additional improvements, to include ringing the units with wells, are discussed in our earlier letter.

³ The BP well draw down is described in the 1986 US EPA Ground Water Task Force Report. It is also discussed in the groundwater section of the Part B. However, there is no discussion of the screening of the R-wells to take account of this effect. We would also note that Lake Erie fluctuations can affect the R-wells and this too is not addressed.

Oregon urges the US EPA to assess these deficiencies. Under the ground water protection standard, EnviroSAFE is to notify the US EPA of any deficiencies in its ground water monitoring system and to seek appropriate permit changes. EnviroSAFE's failure to notify the US EPA of deficiencies and required modifications is a violation of the standard. Also, the US EPA itself may initiate permit modifications to insure that the ground water monitoring system achieves the purposes of the standard.

It is also apparent that ESOI's time of travel study presents the rosiest scenario. But, even EnviroSAFE's time of travel numbers show that contamination reaching the groundwater will quickly travel off-site. That is because the point of compliance and the property boundary are one and the same. (At the permit, hearing Oregon noted that the set-back for a McDonald's is greater than the set-back for waste placement at ESOI). Worse, the time of travel numbers are far too low and do not reflect flow times through fractures, geologic irregularities such as sand seams, or the actual impact of BP on the shallow portion of the aquifer. As just one example, no time of travel numbers are given for the sand wells or other sand seams.

In sum, this is not a time to cut back on groundwater monitoring. EnviroSAFE is bordered in part by Otter Creek, an important feeder water and water shed of Lake Erie. Our region experiences wide variances in its water table complicated by the BP draw down, about one block away. Oregon requests that the US EPA continue to require quarterly monitoring and to conduct an assessment of the screening levels and the number of wells. It is time to focus our efforts to get a complete, accurate picture of the spread of contamination particularly in the deep aquifer.

Sincerely,

James A. Haley by *TRIT*
Mayor James A. Haley

cc: H. Croke
T. Matheson
J. Bates
L. Keiffer
S. Isenberg
A. Spongberg
S. Bihn
P. Goldberg
T. Hays
Oregon Public Library



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE
5HE-12

FEB 24 1987

Edward Kitchen, Manager
Surveillance & Enforcement Section
Division of Solid and Hazardous
Waste Management
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Re: Fondessy Enterprises, Inc.
Task Force Report

Dear Mr. Kitchen:

Enclosed is a copy of a report prepared by the United States Environmental Protection Agency's Hazardous Waste Ground Water Task Force entitled "Groundwater Evaluation Fondessy Enterprises, Inc., Oregon, Ohio". The United States Environmental Protection Agency document number is EPA-700/87-007.

The Ohio Environmental Protection Agency's assistance in the development of this document was greatly appreciated. If you have any questions, please contact me at the above address or by phone at (312) 886-4449.

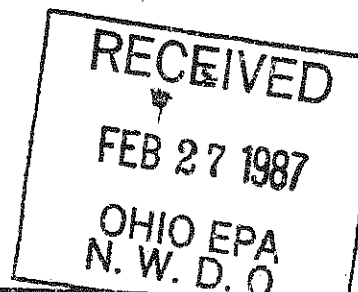
Sincerely,

Joseph M. Boyle

Joseph M. Boyle, Region V Contact
Hazardous Waste Groundwater Task Force

Enclosure

cc: /Tim Krichbaum (w/enclosure)
✓ Chuck Hall (w/enclosure)



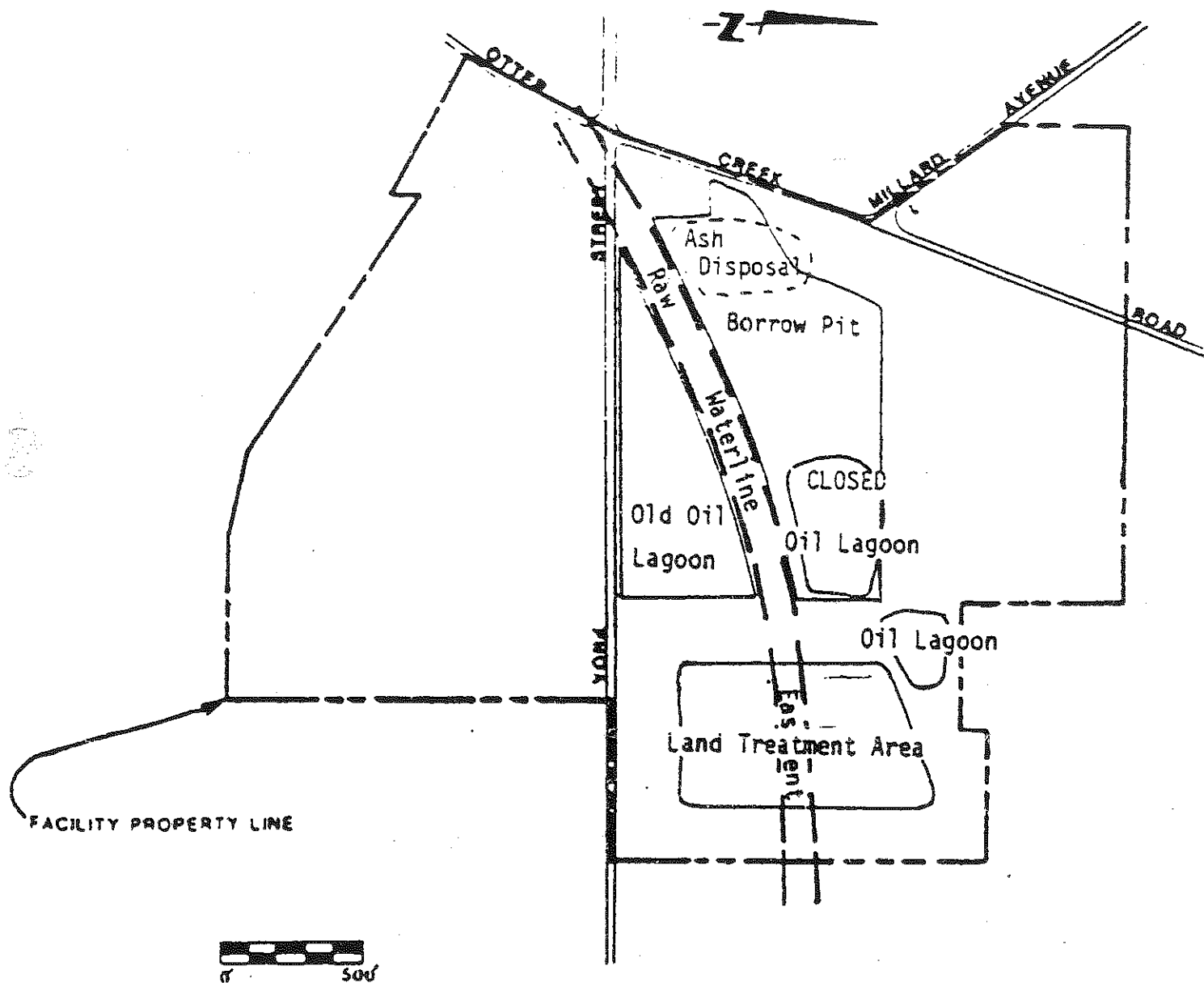
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS WASTE GROUND WATER TASK FORCE

GROUND WATER EVALUATION
FONDESSY ENTERPRISES, INC.
OREGON, OHIO
DECEMBER 1986

JOSEPH J. FREDLE
PROJECT COORDINATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION V
ENVIRONMENTAL SERVICES DIVISION
EASTERN DISTRICT OFFICE
WESTLAKE, OHIO.

FIGURE 3
PAST WASTE DISPOSAL ACTIVITIES
FONDESSY ENTERPRISES, INC.
OREGON, OHIO
JANUARY, 1986



the waterlines, and cell I is located to the south. The arrangement of the waste management cells to the north and south of the waterlines creates a corridor for an on-site roadway.

B. SUMMARY OF FINDINGS AND CONCLUSIONS

1. Compliance with Interim Status Ground Water Monitoring Requirements -
40 CFR 265 Subpart F

The interim status Ground Water Monitoring System has changed significantly since its inception in 1982. Changes in the designation of certain wells have complicated the analysis of historical data from these wells. There has also been a change in the ground water flow direction designation. Other changes have involved improvements, such as the addition of more wells in the monitoring system, which are generally better constructed and more strategically located. The Sampling and Analysis Plan (SAP) has changed frequently and has been under continuous development. Due to these changes, insufficient information exists to perform more than a few statistical analyses to determine significant differences between upgradient and downgradient wells. Background ground water quality data for radium-226, radium-228 and TOC may be suspect due to the unacceptable performance evaluation results of the laboratories used to analyze these parameters for FEI and deficiencies within the chain-of-custody procedures at their radiological laboratory. The SAP should be updated to include the recommendations listed in Section II.D.5 of this report.

Downgradient bedrock wells are separated by as much as 700 feet. The Task Force recommends that additional wells be added to the bedrock monitoring system to decrease the downgradient spacing along the point of compliance.

The till zones under the facility are considered by the Task Force to be preferential pathways for contaminant migration. It is recommended that the monitoring of these zones be included in the 40 CFR Part 265 ground water monitoring system for this facility.

2. Ground Water Monitoring Program Proposed for RCRA Permit

FEI proposed in a February 20, 1986, revised Part B application to monitor the bedrock as the uppermost aquifer, and the Lacustrine/Upper Till contact and Upper Till/Lower Till contact through a leak detection system of wells. The Task Force fully agrees with monitoring of these zones. The shallow zones are considered by the Task Force to be preferential pathways for contaminant migration. FEI contends that the dolomite and limestone bedrock, principally the Greenfield and Lockport formations, are the uppermost aquifer under the facility. The zones identified by the Task Force as pathways of migration, in addition to the bedrock, are the Lacustrine, Lacustrine/Upper Till contact, and the Upper Till/Lower Till contact. The Task Force reviewed FEI's proposal and has the following recommendations:

- The Task Force recommends that monitoring of zones, other than bedrock, be implemented as soon as possible and agrees that they be included in the RCRA permit monitoring system. The Task Force also recommends that the analytical results of samples from these shallow zones be evaluated to identify contamination and ground water degradation.

- The point of compliance should be at the downgradient limit of the hazardous waste management area. FEI's proposed point of compliance is generally along the northern and eastern property boundary. However, the downgradient limit of future cell M is distant and upgradient from other waste management units and the point of compliance. The Task Force recommends that the downgradient limit of future disposal cells be included in the monitoring system.

- The rationale for the horizontal spacing of downgradient bedrock wells and all shallow till wells should be included in the Part B application. It is recommended by the Task Force that additional downgradient bedrock wells be installed. It is also recommended that additional shallow till wells be installed to circumscribe all waste management units.

- Due to the low ground water flow gradient, the recent seasonal variations in ground water flow directions, and the effects of the Standard Oil Company's pumping on ground water flow directions, the determination of the ground water flow direction should be monthly at a minimum.

- The proposed statistical evaluation to be used in determining the significant differences between individual upgradient and downgradient wells along the point of compliance is inappropriate. Another method must be proposed.

- The proposed semiannual monitoring frequency for contaminants is unacceptable and should be increased to at least quarterly. Also, the list of waste constituents to be analyzed should be expanded, as stated in Section II.D.4.d. of this report. Detection limits for the chosen waste constituents need to be specified.

- The extent of past solid waste disposal activities at the northern boundary of Landfill Area 1 is not clearly defined. The Task Force recommends that the extent of past solid waste disposal activities be clearly defined.

- The effect of the proposed construction of the Millard Road overpass at the northern boundary of the facility is as yet unknown. The Task Force recommends that the Ohio EPA, and USEPA and the facility monitor any developments in this area.

3. Task Force Sampling and Monitoring Data Analysis

During the inspection, Task Force personnel collected samples from six bedrock wells, thirteen shallow Lacustrine wells, ten deep till wells, two water line trenches and two leachate sumps. The purpose of this sampling was to determine if any hazardous waste constituents or other indicators of contamination could be found in the ground water at the FEI site. One problem the Task Force encountered in making this determination was that many of the wells were slow producing. Sixteen of the twenty-three deep till and shallow Lacustrine wells did not produce enough water to sample for a full set of Task Force parameters. Thus, gaps exist in the Task Force data. The facility's past monitoring data were also reviewed for this evaluation. The Task Force review of these data produced the following findings and recommendations:

- The Task Force data show 8.3 ppb of PCB's in upgradient well R6. It is recommended that the source of the PCB's be further investigated and that TOX results from this bedrock aquifer be tracked closely during interim status monitoring.

- The Task Force data from the shallow lacustrine wells show 17 ppb of 1,1-dichloroethane in well F2s and 15 ppb of 1-formyl-2-piperidinecarboxylic acid in well SDG-2. It is recommended that additional monitoring of this zone begin immediately in order to establish the source of the detected constituents.

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- The Task Force did not find any indication of contamination in the water-line trenches.

4. Compliance with Superfund Offsite Policy

Under current EPA policy, if an offsite TSDF is to be used for land disposal of waste from a Superfund financed cleanup of a CERCLA site, the TSDF must be in compliance with the applicable technical requirements of RCRA. Interim status facilities must have adequate monitoring data to assess whether the facility poses a threat to ground water. The Task Force identified some concerns in the ground water monitoring system at FEI, as described above. The Regional Administrator of USEPA Region V should take these concerns, and any corrective actions taken by the facility, into consideration when determining compliance with this policy.



CITY OF OREGON OHIO

5330 SEAMAN ROAD • OREGON, OHIO 43616-2608

JAMES A. HALEY, MAYOR
PHONE: (419) 698-7045
FAX: (419) 691-0241

May 30, 2000

Thomas Matheson
Project Coordinator
Waste, Pesticides and Toxics Division
USEPA Region V
77 West Jackson Blvd., DW-8J
Chicago, IL 60604

Re: Comments on Proposed Class 2 Permit Modification to
Envirosafe Services of Ohio, Inc. Federal Permit Proposing
to Change from Quarterly to Semi-annual Groundwater Testing

Dear Mr. Matheson:

The City of Oregon, in the strongest possible terms, opposes the reduction in groundwater monitoring from quarterly to semi-annually. The change by Envirosafe would cut the groundwater monitoring program from four times a year to twice a year.

The Envirosafe's hazardous waste landfills are located in the Lake Erie watershed, about one-mile from Lake Erie. At this site, over four billion (4,000,000,000) pounds of the most toxic industrial waste are buried. Each year industry in Alabama, Arkansas, Georgia and other states ship 400,000,000 (four hundred million) pounds of these toxic chemicals into our community. The potential for harm to the Lake Erie Basin's environment from these chemicals is beyond calculation.

The ground wells around this site provide our first line of defense operating as an "early warning" system. From at least 1988 until 1997, Envirosafe reported no contamination in these wells. But a separate investigation by the USEPA in 1996 and 1997 showed highly toxic chemicals like benzene in the groundwater. At the same time a lawsuit by Oregon and Lucas County uncovered toxic chemicals in groundwater testing by Envirosafe.



TREE CITY USA

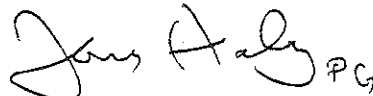
Thomas Matheson
May 30, 2000
Page 2

Oregon has followed the groundwater issue in great detail and has retained leading scientists to evaluate these key groundwater issues. Our comments here are built upon the earlier reports by Dr. Kirk Cameron, Dr. Alison Spongberg, Certified Health Physicist (CHP) Andrew Karam, and Dr. Rakesh Govind.

Attached is a short update by Dr. Spongberg that opposes this change. Our early correspondence to the USEPA on groundwater also covers many issues involved in the proposed permit modification. We incorporate these reports and correspondence by reference here. We specifically incorporate by reference the comments made at the USEPA public information meeting on May 17, 2000 which also involved the ground water program and our comment letter on that modification. (That modification proposed to drop key monitoring parameters from the permit.)

Our additional comments follow. Please, contact Sandy Bihn at (419) 698-7030 if you have any questions or would like further information.

Very truly yours,


Mayor James A. Haley

TRH/JAH/bam

Enclosure

cc: Paul S. Goldberg, Law Director
Sandy Bihn, Finance Director
Thomas R. Hays
Sandy Isenberg, President Lucas County Commissioners
Julia R. Bates, Lucas County Prosecutor
Shannon Nabors, OEPA
Christopher Jones, Director OEPA
Oregon Public Library

**Additional Comments By the City of Oregon
On EnviroSAFE's Proposed Permit Modification
From Quarterly to Semi-annual Ground Water Monitoring**

1. In the mid-1980's the USEPA conducted an extensive review of the groundwater at EnviroSAFE. A scientific panel examined these issues. After careful consideration, the panel recommended quarterly sampling instead of the semi-annual testing proposed. (The state of Ohio requires only semi-annual testing.) The need for quarterly sampling is apparent. Beginning with 1997, EnviroSAFE has reported contamination in wells during federal testing that did not show up in the state testing. The facts show that during the two quarterly federal-alone testing periods:

- Different wells showed toxic contamination which did not appear in the state semi-annual testing
- In these wells additional toxic pollutants were found in the groundwaters.

Thus the scientific review panel and the agency's decision to require four times a year sampling are demonstrated to be necessary. There have been no changes that would justify reversing this recommendation and decision.

2. EnviroSAFE states that the groundwater doesn't move very much. Therefore, they argue, if the groundwater doesn't move then the same contaminants will be there whether they test the wells four times a year or two times a year. The facts contradict the EnviroSAFE assumptions and arguments. Instead the facts above show that additional adversely affected wells and pollutants are found during the federal-alone testing.

3. EnviroSAFE's arguments are extremely weak if we look at the bedrock aquifer. We find that the conditions each quarter vary greatly. BP pumps huge volumes of water during the late spring and summer months. This creates a significant draw down of the bedrock aquifer. Once the pumping ceases in the fall the levels in the aquifer increase. In fact, the groundwater flow sometimes reverses. Finally, the bedrock aquifer becomes very slow moving. The cycle then repeats. This alone is one excellent reason why quarterly sampling was necessary and remains necessary. Nothing EnviroSAFE argues now was not known during the original decision—what is known is that the quarterly federal system finds additional contamination that the state system does not.

4. There is no longer a debate that the site is leaking. The leaks have already reached the lower tills. Dr. Spongberg points out that this could not occur if the geology is as EnviroSafe argues. (EnviroSafe has argued that these clays are extremely tight and the movement of contaminants to this level would take hundreds of years.) The Ohio Department of Natural Resources opposed granting the permit for this site because of geologic concerns with the clays. Dr. Spongberg points out that irregularities in the clay layers (sand lenses, microfractures) must be at work. The EnviroSafe proposal relies on its flawed geologic assumptions.

5. The groundwater data shows indications that contamination is beginning to reach the R or bedrock wells. This is a time for heightened, not lessened, scrutiny. We believe that the critical issue now is how to better detect and defend this aquifer. The program must be upgraded to meet the groundwater protection standard. These additional safeguards to meet this standard include:

- Additional R-wells along the northern border
- The current R-wells are screened over a long distance. Much tighter screen intervals on the R-wells are required so that only the upper most portion of the aquifer is sampled. This may require some R-wells for the time when the aquifer is at its highest level and the groundwater most stagnant
- Additional wells to ring each cell
- Additional parameters (We incorporate our comments in our other letter of this date herein.)

Sandy, sorry I've been out of touch. The end of the tenure process was hectic, but I was successful. I hope that means things will slow down a little bit, but I doubt it.

My biggest concern when it comes to reduced sampling is that it always ends up with reduced confidence in anything you try to use the data for. Neither side would ever be able to arrive at a convincing argument as to whether there is any contamination releases. Especially in the case of a landfill where the water table can be relatively flat for portions of the year, followed by a period of pumping off-site which causes the flow to veer towards the pumping station. A flat water table is analogous to a stagnant pool and if there was a chemical accumulating in that water the data at one or two wells nearest the release might detect it. But with the pumping activity, you might expect that stagnant pool to be flushed in the direction of the pumping station. Depending on when the sampling times are relative to that pumping the same wells might not have elevated concentrations as when the water table was flat. And the increased flow rates might result in the original well with exceedances (or just elevated levels) looking 'clean' during this pumping phase. That variation might be due to the change in water velocity and direction, and not necessarily to activities at the landfill. If you need to establish high chemical concentrations in consecutive sampling times, this will be virtually impossible with only two sampling times per year at this particular landfill.

The existing data indicate that no true 'background' wells actually exist and the best monitoring method is to look for increases in chemical concentrations within a specific well over time. For this type of information to be useful, four sampling times per year would be a minimum to give statistical confidence in the results. In this respect you might be able to isolate the variations due to the pumping from what would be considered more 'normal' data. I assume everyone involved would really like to know as unambiguously as possible what is happening beneath that landfill. Two sampling times per year may save a little money on sampling, but the data will be vague and inconclusive.

Respectfully,



Alison L. Sponberg



Ohio Senate
11th District
Lucas County (part)

LINDA J. FURNEY

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APR 06 2001

MNOHVI PERMIT SECTION - WMB
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

March 29, 2001

Christopher Lambesis
Permit Writer/ Environmental Specialist
US EPA R5 (DW-8J)
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Lambesis:

As State Senator for the 11th Senatorial district, I am writing to request an extension on the comment period for the Class 2 modification for Envirosafe Services Part B Permit. Due to the complexity of the ground water monitoring system, I would like to see the comment period extended from 60 days to 90 days.

Thank you for your cooperation. If I can answer any questions or provide further comment on this extension, please do not hesitate to call my office.

Sincerely,

LINDA J. FURNEY
Senator, District 11

LJF/arh

Ohio Senate
Senate Office Building
Columbus, OH 43215
614-466-5204
614-466-4120 Fax
1-800-282-0253 Toll Free

Home Office
2626 Latonia Blvd.
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Technology and Aerospace
Highways and Transportation
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and Veterans Affairs

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CITY OF OREGON OHIO

5330 SEAMAN ROAD • OREGON, OHIO 43616-2608

RECEIVED
MAY 22 2001

WASTE MANAGEMENT BRANCH
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

KENNETH J. FILIPIAK, City Administrator

Office: (419) 698-7095

Fax: (419) 691-0241

PAUL S. GOLDBERG, Law Director

Office: (419) 471-0006

Fax: (419) 479-3960

May 17, 2001

Mr. Christopher Lambesis
Region 5
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Envirosafe Proposed Permit Modification
to Cut Ground Water Monitoring Frequency

Dear Mr. Lambesis:

The City of Oregon, in the strongest possible terms, opposes Envirosafe Services of Ohio's proposed permit modification to cut its ground water monitoring from four times per year to two times per year. This is the second time that Envirosafe has proposed this reduction in testing. (Since the original Part B, Envirosafe continues to request modifications that reduce cost at the expense of environmental protection.) . Oregon instead urges the agency to up grade the ground water system to meet the ground water protection standard. We attach our earlier letter and comments opposing the reduction in testing and incorporate them herein.

The ground water monitoring system is our first line of defense against the 5,000,000,000 pounds of toxic waste buried at the Envirosafe site. Because this hazardous waste facility is in the Lake Erie watershed, this early warning system could not be more critical. The four time a year federal testing has been crucial to the system. The first reported positive wells—and later additional wells—were identified during the periods Envirosafe proposes to eliminate.



TREE CITY USA

Oregon bases its comments upon a review by our consultant Dr. Alison Spongberg of the University of Toledo. Dr. Spongberg teaches courses in geology, hydrogeology, and landfills. Dr. Spongberg opposes the reduction in ground water monitoring from four times per year to two times per year. Her essential reason for doing so is the flow pattern at the site. The pumping at BP creates a yearly cycle that even causes a reversal in flow so that "up gradient" is not constant. At other times the bedrock aquifer is nearly stagnant.

The US EPA's Ground Water Task Force studied this issue and reached the conclusion that semi-annual sampling was not adequate. In its 1986 report, the Task Force concluded that:

The proposed semi-annual monitoring frequency for contaminants is unacceptable and should be increased to at least quarterly. (At page 9, extract of report attached.)

The Task Force was specifically concerned about the affects of the BP pumping.¹

Envirosafe has shown no reason to change the US EPA Task Force's recommendation that "at least quarterly" monitoring is necessary. Instead, the facts today compel quarterly sampling. Today we know that the site is leaking and there are many confirmed positive wells. The facts demonstrate that quarterly monitoring is effective and needed. Again, it is the federal four times a year sampling that detected the spread of contamination.

Upgrades are needed in the monitoring system. Envirosafe continues to insist that the site's clays are "10 to the minus 7". But, at the same time Envirosafe reports confirmed contamination in the shallow and deep wells beneath the Lacustrine and shallow till formations. Dr. Spongberg points out that the contamination could not reach these depths under the geologic conditions Envirosafe claims. Instead the pattern of known contamination at these depth is consistent with more rapid movement through the geologic layers; for example, through fractures and irregularities.

Dr. Spongberg states that there is good reason to expect that the deep till will also allow migration again through similar fractures and other geologic irregularities. The Ohio Academy of Science recently ran a special issue devoted to fractures in Ohio clay tills². This study concluded that every clay till studied in Ohio has such fractures. This means that increased scrutiny of the deep aquifer at this site is imperative.

¹ Because of the BP pumping effects, the Task Force also recommended at least monthly sampling for flow direction: "Due to the low ground water flow gradient, the recent seasonal variations in ground water flow directions, and the effects of the Standard Oil Company's pumping on ground water flow directions, the determination of the ground water flow direction should be monthly at a minimum."

² We are obtaining an additional copy of this report and will forward it to you shortly.

Already, the same compounds found in the shallow and deep wells have been initially detected in the bedrock wells in the same well clusters. Dr. Spongberg's review indicates that weaknesses in the R-well system likely mask the true extent of potential contamination in the deep aquifer: As discussed in our earlier comments and supplemented here:

1. The R-wells are screened too deep in the aquifer. The R-wells are not screened at the aquifer surface, but at much deeper depths. This means that:
 - (a) any dissolved contamination is diluted by the aquifer before reaching the screened depths;
 - (b) any immiscible floating contaminants would not be recovered from the well. This defeats the "early" warning function of the system.
2. The R-wells are screened over too long a depth again causing dilution.
3. The screening problems are made worse by the artificial BP draw down³. This draw down may pull-off the upper most waters (those that first receive contamination) toward BP before reaching the screen in the well. In short, BP's pumping cycle can both pull-off the contamination before the upper waters reach the screen and create a dilution effect
4. Currently EnviroSAFE does not immediately take "confirming" samples after an initial positive. Instead, it takes the "confirming samples" months after the initial positive. This almost certainly causes either the initial or the confirming samples or both to be taken when the diluting effects of BP and the screening effects are pronounced. (EnviroSAFE's statistical consultant stated that retests must be immediate to be valid.)
5. More R-wells, particularly along the northern portion of the site, are needed.
6. Additional chemical parameters must be added to the monitoring list.

Additional improvements, to include ringing the units with wells, are discussed in our earlier letter.

³ The BP well draw down is described in the 1986 US EPA Ground Water Task Force Report. It is also discussed in the groundwater section of the Part B. However, there is no discussion of the screening of the R-wells to take account of this effect. We would also note that Lake Erie fluctuations can affect the R-wells and this too is not addressed.

Oregon urges the US EPA to assess these deficiencies. Under the ground water protection standard, EnviroSAFE is to notify the US EPA of any deficiencies in its ground water monitoring system and to seek appropriate permit changes. EnviroSAFE's failure to notify the US EPA of deficiencies and required modifications is a violation of the standard. Also, the US EPA itself may initiate permit modifications to insure that the ground water monitoring system achieves the purposes of the standard.

It is also apparent that ESOL's time of travel study presents the rosier scenario. But, even EnviroSAFE's time of travel numbers show that contamination reaching the groundwater will quickly travel off-site. That is because the point of compliance and the property boundary are one and the same. (At the permit hearing Oregon noted that the set-back for a McDonald's is greater than the set-back for waste placement at ESOL). Worse, the time of travel numbers are far too low and do not reflect flow times through fractures, geologic irregularities such as sand seams, or the actual impact of BP on the shallow portion of the aquifer. As just one example, no time of travel numbers are given for the sand wells or other sand seams.

In sum, this is not a time to cut back on groundwater monitoring. EnviroSAFE is bordered in part by Otter Creek, an important feeder water and water shed of Lake Erie. Our region experiences wide variances in its water table complicated by the BP draw down, about one block away. Oregon requests that the US EPA continue to require quarterly monitoring and to conduct an assessment of the screening levels and the number of wells. It is time to focus our efforts to get a complete, accurate picture of the spread of contamination particularly in the deep aquifer.

Sincerely,

James A. Haley by *TREH*
Mayor James A. Haley

cc: H. Croke
T. Matheson
J. Bates
L. Keiffer
S. Isenberg
A. Spongberg
S. Bihn
P. Goldberg
T. Hays
Oregon Public Library



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE
5HE-12

FEB 24 1987

Edward Kitchen, Manager
Surveillance & Enforcement Section
Division of Solid and Hazardous
Waste Management
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Re: Fondessy Enterprises, Inc.
Task Force Report

Dear Mr. Kitchen:

Enclosed is a copy of a report prepared by the United States Environmental Protection Agency's Hazardous Waste Ground Water Task Force entitled "Groundwater Evaluation Fondessy Enterprises, Inc., Oregon, Ohio". The United States Environmental Protection Agency document number is EPA-700/87-007.

The Ohio Environmental Protection Agency's assistance in the development of this document was greatly appreciated. If you have any questions, please contact me at the above address or by phone at (312) 886-4449.

Sincerely,

Joseph M. Boyle

Joseph M. Boyle, Region V Contact
Hazardous Waste Groundwater Task Force

Enclosure

cc: /Tim Krichbaum (w/enclosure)
✓ Chuck Hall (w/enclosure)

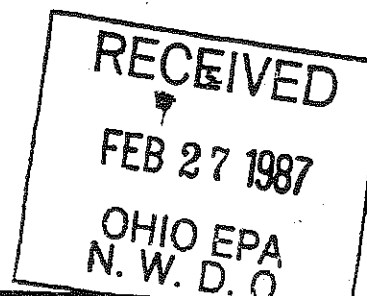
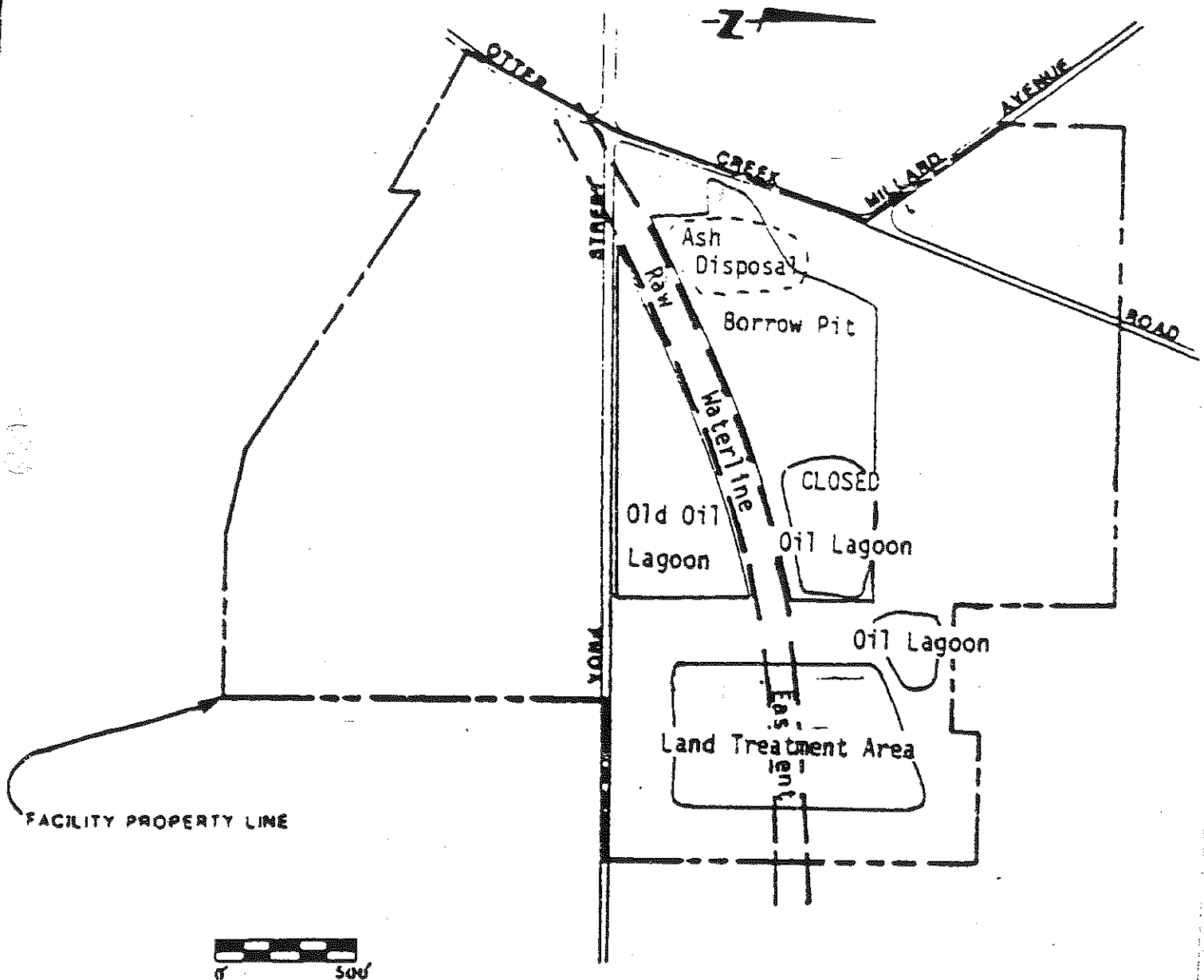


FIGURE 3
PAST WASTE DISPOSAL ACTIVITIES
FONDESSY ENTERPRISES, INC.
OREGON, OHIO
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- The Task Force did not find any indication of contamination in the water-line trenches.

4. Compliance with Superfund Offsite Policy

Under current EPA policy, if an offsite TSDF is to be used for land disposal of waste from a Superfund financed cleanup of a CERCLA site, the TSDF must be in compliance with the applicable technical requirements of RCRA. Interim status facilities must have adequate monitoring data to assess whether the facility poses a threat to ground water. The Task Force identified some concerns in the ground water monitoring system at FEI, as described above. The Regional Administrator of USEPA Region V should take these concerns, and any corrective actions taken by the facility, into consideration when determining compliance with this policy.



CITY OF OREGON OHIO

5330 SEAMAN ROAD • OREGON, OHIO 43616-2608

JAMES A. HALEY, MAYOR
PHONE: (419) 698-7045
FAX: (419) 691-0241

May 30, 2000

Thomas Matheson
Project Coordinator
Waste, Pesticides and Toxics Division
USEPA Region V
77 West Jackson Blvd., DW-8J
Chicago, IL 60604

Re: Comments on Proposed Class 2 Permit Modification to
Envirosafe Services of Ohio, Inc. Federal Permit Proposing
to Change from Quarterly to Semi-annual Groundwater Testing

Dear Mr. Matheson:

The City of Oregon, in the strongest possible terms, opposes the reduction in groundwater monitoring from quarterly to semi-annually. The change by Envirosafe would cut the groundwater monitoring program from four times a year to twice a year.

The Envirosafe's hazardous waste landfills are located in the Lake Erie watershed, about one-mile from Lake Erie. At this site, over four billion (4,000,000,000) pounds of the most toxic industrial waste are buried. Each year industry in Alabama, Arkansas, Georgia and other states ship 400,000,000 (four hundred million) pounds of these toxic chemicals into our community. The potential for harm to the Lake Erie Basin's environment from these chemicals is beyond calculation.

The ground wells around this site provide our first line of defense operating as an "early warning" system. From at least 1988 until 1997, Envirosafe reported no contamination in these wells. But a separate investigation by the USEPA in 1996 and 1997 showed highly toxic chemicals like benzene in the groundwater. At the same time a lawsuit by Oregon and Lucas County uncovered toxic chemicals in groundwater testing by Envirosafe.



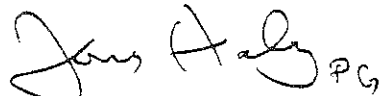
Thomas Matheson
May 30, 2000
Page 2

Oregon has followed the groundwater issue in great detail and has retained leading scientists to evaluate these key groundwater issues. Our comments here are built upon the earlier reports by Dr. Kirk Cameron, Dr. Alison Spongberg, Certified Health Physicist (CHP) Andrew Karam, and Dr. Rakesh Govind.

Attached is a short update by Dr. Spongberg that opposes this change. Our early correspondence to the USEPA on groundwater also covers many issues involved in the proposed permit modification. We incorporate these reports and correspondence by reference here. We specifically incorporate by reference the comments made at the USEPA public information meeting on May 17, 2000 which also involved the ground water program and our comment letter on that modification. (That modification proposed to drop key monitoring parameters from the permit.)

Our additional comments follow. Please, contact Sandy Bihn at (419) 698-7030 if you have any questions or would like further information.

Very truly yours,


Mayor James A. Haley

TRH/JAH/bam

Enclosure

cc: Paul S. Goldberg, Law Director
Sandy Bihn, Finance Director
Thomas R. Hays
Sandy Isenberg, President Lucas County Commissioners
Julia R. Bates, Lucas County Prosecutor
Shannon Nabors, OEPA
Christopher Jones, Director OEPA
Oregon Public Library

**Additional Comments By the City of Oregon
On EnviroSafe's Proposed Permit Modification
From Quarterly to Semi-annual Ground Water Monitoring**

1. In the mid-1980's the USEPA conducted an extensive review of the groundwater at EnviroSafe. A scientific panel examined these issues. After careful consideration, the panel recommended quarterly sampling instead of the semi-annual testing proposed. (The state of Ohio requires only semi-annual testing.) The need for quarterly sampling is apparent. Beginning with 1997, EnviroSafe has reported contamination in wells during federal testing that did not show up in the state testing. The facts show that during the two quarterly federal-alone testing periods:

- Different wells showed toxic contamination which did not appear in the state semi-annual testing
- In these wells additional toxic pollutants were found in the groundwaters.

Thus the scientific review panel and the agency's decision to require four times a year sampling are demonstrated to be necessary. There have been no changes that would justify reversing this recommendation and decision.

2. EnviroSafe states that the groundwater doesn't move very much. Therefore, they argue, if the groundwater doesn't move then the same contaminants will be there whether they test the wells four times a year or two times a year. The facts contradict the EnviroSafe assumptions and arguments. Instead the facts above show that additional adversely affected wells and pollutants are found during the federal-alone testing.

3. EnviroSafe's arguments are extremely weak if we look at the bedrock aquifer. We find that the conditions each quarter vary greatly. BP pumps huge volumes of water during the late spring and summer months. This creates a significant draw down of the bedrock aquifer. Once the pumping ceases in the fall the levels in the aquifer increase. In fact, the groundwater flow sometimes reverses. Finally, the bedrock aquifer becomes very slow moving. The cycle then repeats. This alone is one excellent reason why quarterly sampling was necessary and remains necessary. Nothing EnviroSafe argues now was not known during the original decision—what is known is that the quarterly federal system finds additional contamination that the state system does not.

4. There is no longer a debate that the site is leaking. The leaks have already reached the lower tills. Dr. Spongberg points out that this could not occur if the geology is as EnviroSafe argues. (EnviroSafe has argued that these clays are extremely tight and the movement of contaminants to this level would take hundreds of years.) The Ohio Department of Natural Resources opposed granting the permit for this site because of geologic concerns with the clays. Dr. Spongberg points out that irregularities in the clay layers (sand lenses, microfractures) must be at work. The EnviroSafe proposal relies on its flawed geologic assumptions.

5. The groundwater data shows indications that contamination is beginning to reach the R or bedrock wells. This is a time for heightened, not lessened, scrutiny. We believe that the critical issue now is how to better detect and defend this aquifer. The program must be upgraded to meet the groundwater protection standard. These additional safeguards to meet this standard include:

- Additional R-wells along the northern border
- The current R-wells are screened over a long distance. Much tighter screen intervals on the R-wells are required so that only the upper most portion of the aquifer is sampled. This may require some R-wells for the time when the aquifer is at its highest level and the groundwater most stagnant
- Additional wells to ring each cell
- Additional parameters (We incorporate our comments in our other letter of this date herein.)

Sandy, sorry I've been out of touch. The end of the tenure process was hectic, but I was successful. I hope that means things will slow down a little bit, but I doubt it.

My biggest concern when it comes to reduced sampling is that it always ends up with reduced confidence in anything you try to use the data for. Neither side would ever be able to arrive at a convincing argument as to whether there is any contamination releases. Especially in the case of a landfill where the water table can be relatively flat for portions of the year, followed by a period of pumping off-site which causes the flow to veer towards the pumping station. A flat water table is analogous to a stagnant pool and if there was a chemical accumulating in that water the data at one or two wells nearest the release might detect it. But with the pumping activity, you might expect that stagnant pool to be flushed in the direction of the pumping station. Depending on when the sampling times are relative to that pumping the same wells might not have elevated concentrations as when the water table was flat. And the increased flow rates might result in the original well with exceedances (or just elevated levels) looking 'clean' during this pumping phase. That variation might be due to the change in water velocity and direction, and not necessarily to activities at the landfill. If you need to establish high chemical concentrations in consecutive sampling times, this will be virtually impossible with only two sampling times per year at this particular landfill.

The existing data indicate that no true 'background' wells actually exist and the best monitoring method is to look for increases in chemical concentrations within a specific well over time. For this type of information to be useful, four sampling times per year would be a minimum to give statistical confidence in the results. In this respect you might be able to isolate the variations due to the pumping from what would be considered more 'normal' data. I assume everyone involved would really like to know as unambiguously as possible what is happening beneath that landfill. Two sampling times per year may save a little money on sampling, but the data will be vague and inconclusive.

Respectfully,


Alison L. Sponberg

Form for Bringing New (Never Catalogued) RCRA Files
to the Region 5 RCRA Records Center

Today's Date: 2-13-17

Your name: Michael Valentino

Phone: 6-4582

Site Name: Envirosafe

Site EPA ID Number: OH D 045 243 706

Type(s) of documents:

RCRA CA RFA ☐

RCRA enforcement ☒

RCRA CA RFI ☐

RCRA permit ☐

RCRA CA CMS ☐

TSCA spill cleanup ☐

RCRA CA CMI ☐

Other (describe): ☐

Quantity of documents: # of boxes: _____ # of folders: _____

Is any information sensitive or FOIA-exempt? Yes ☐ No ☒

If yes, why is it sensitive/FOIA-exempt?

- RCRA CBI ☐
- Attorney-client privilege records for an on-going EPA legal action ☐
- Attorney work product for an on-going EPA legal action ☐
- Would reveal EPA's internal deliberations for an on-going legal action ☐
- Contains personal privacy info (e.g. SSN, home address, or medical info) ☐
- Related to an ongoing civil or criminal investigation ☐
- Could identify a confidential source ☐
- Would reveal EPA law enforcement techniques or procedures ☐

**PLEASE SEGREGATE ANY SENSITIVE/EXEMPT INFORMATION
AND IDENTIFY IT AS SUCH.**

Can documents go straight to the Federal Record Center (archives)? Yes ☒ No ☐
(Documents can be recalled from FRC in 48-72 hours)

Envirosafe Services of Ohio, Inc.

876 Otter Creek Road
Oregon, OH 43616-1242

October 18, 2001

Federal Express

Mr. Thomas Matheson
Corrective Action Project Manager
Waste Management Branch
USEPA, Region 5
DW-8J
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Revised RCRA Facility Investigation Work Plan
Envirosafe Services of Ohio, Inc.
Ohio EPA ID No. 03-48-0092
USEPA ID No. OHD 045 243 706

Dear Mr. Matheson:

In accordance with Condition VI.F.1b of its Federal Resource Conservation and Recovery Act permit, Envirosafe Services of Ohio, Inc (ESOI) submitted a RCRA Facility Investigation (RFI) Work Plan to the US Environmental Protection Agency on April 23, 2001.

On August 6, 2001, ESOI received a Notice of Deficiency (NOD), dated August 1, 2001, from the USEPA regarding the RFI Work Plan. ESOI reviewed the comments contained in the NOD and submitted a response extension request on August 9, 2001. The request was denied by USEPA in a letter to ESOI dated August 20, 2001.

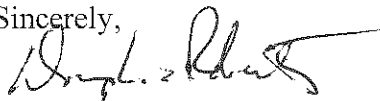
As suggested in the NOD letter, ESOI met with USEPA and Ohio EPA to discuss responses to the comments. This meeting took place at the USEPA Region 5 office on August 21, 2001. During the meeting, clarification of the intent for some of the comments was provided. In addition, ESOI was verbally informed of changes to other comments. During the meeting it was encouraged that a direct conversation between ENVIRON and Meagan Smith of USEPA take place before the responses were submitted regarding ecological risk assessment and appropriate screening levels. This discussion took place in the form of a conference call at the earliest convenience of those involved, August 30, 2001.

On September 5, 2001, ESOI submitted to the USEPA responses to those NOD comments which were not discussed during the August 21, 2001 meeting and August 30, 2001 conference call. Enclosed for your review is a complete response to the NOD and the revised RFI Work Plan. The response details the revisions to the RFI Work Plan and provides clarifications requested by the agency. A listing of the revisions to the RFI Work Plan is also enclosed.

If you have any questions, please contact Stephen DeLussa of my staff at (215) 956-5583.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



Douglas E. Roberts
President

Enclosures

cc: Thomas Matheson, USEPA, Region 5 (2nd copy & 2 CDs)
Michael Valentino, USEPA, Region 5 (w/o enclosures)
Shannon Nabors, Ohio EPA, NWDO (1 copy & 1 CD)
Lynn Ackerson, Ohio EPA, NWDO (1 copy)
Edwin Lim, Ohio EPA, CO (1 CD)
Sandy Bauer, Oregon Library – Document Depository (1 copy & 2 CDs)
Mary Wojciechowski, Tetra Tech (1 copy & 1 CD)
Ken Humphrey, ESOI (1 copy)
Stephen DeLussa, Envirosource (1 copy & 1 CD)
Mark Nielsen, ENVIRON

**Tetra Tech EM Inc.****200 East Randolph Drive, Suite 4700
Chicago, Illinois 60601****Phone: (312) 856-8700****Fax: (312) 938-0118****FAX TRANSMITTAL**

DATE: 9/10/99 **CHARGE NO.:** _____
TO: Mike Valentino **FAX NO.:** 353-4342
FROM: Mary Wojciechowski **No. of pages transmitted:** 5
(Including this cover sheet)

**URGENT****COMPANY SENSITIVE****NOTES/COMMENTS:**① Preliminary data② Some analytical results are
still in review

QUANTERRA INCORPORATED
PRELIMINARY DATA SUMMARY

The results shown below may still require additional laboratory review and are subject to change. Actions taken based on these results are the responsibility of the data user.

Lot #: A9H130127 Tetra Tech EM Inc. PAGE 1
ENVIROSAFE Date Reported: 9/09/99

PARAMETER	RESULT	REPORTING LIMIT	UNITS	ANALYTICAL METHOD
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Client Sample ID: CSB-11
Sample #: 001 Date Sampled: 08/11/99 09:25 Date Received: 08/12/99 Matrix: WIPE

Trace Inductively Coupled Plasma (ICP) Metals					Reviewed
Cadmium	0.21	0.0010	mg/wipe	SW846 6010B	
Chromium	1.1	0.0025	mg/wipe	SW846 6010B	
Lead	26.9	0.0075	mg/wipe	SW846 6010B	

Client Sample ID: CSB-2I
Sample #: 002 Date Sampled: 08/11/99 09:40 Date Received: 08/12/99 Matrix: WIPE

Trace Inductively Coupled Plasma (ICP) Metals					Reviewed
Cadmium	0.075	0.0010	mg/wipe	SW846 6010B	
Chromium	0.43	0.0025	mg/wipe	SW846 6010B	
Lead	9.9	0.0075	mg/wipe	SW846 6010B	

Inorganic Analysis					In Review
Hexavalent Chromium	ND	0.50	ug/wipe	SW846 7196A	

Client Sample ID: CSB-3I
Sample #: 003 Date Sampled: 08/11/99 09:45 Date Received: 08/12/99 Matrix: WIPE

Trace Inductively Coupled Plasma (ICP) Metals					Reviewed
Cadmium	0.092	0.0010	mg/wipe	SW846 6010B	
Chromium	0.61	0.0025	mg/wipe	SW846 6010B	
Lead	9.1	0.0075	mg/wipe	SW846 6010B	

Inorganic Analysis					In Review
Hexavalent Chromium	ND	0.50	ug/wipe	SW846 7196A	

Client Sample ID: CSB-4I
Sample #: 004 Date Sampled: 08/11/99 09:47 Date Received: 08/12/99 Matrix: WIPE

(Continued on next page)

QUANTERRA INCORPORATED
PRELIMINARY DATA SUMMARY

The results shown below may still require additional laboratory review and are subject to change. Actions taken based on these results are the responsibility of the data user.

Lot #: A9H130127 Tetra Tech EM Inc. PAGE 2
ENVIROSAFE Date Reported: 9/09/99

PARAMETER	RESULT	REPORTING LIMIT	UNITS	ANALYTICAL METHOD
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Client Sample ID: CSB-4I

Sample #: 004 Date Sampled: 08/11/99 09:47 Date Received: 08/12/99 Matrix: WIPE

Trace Inductively Coupled Plasma (ICP) Metals					Reviewed
Cadmium	0.12	0.0010	mg/wipe	SW846 6010B	
Chromium	0.90	0.0025	mg/wipe	SW846 6010B	
Lead	12.0	0.0075	mg/wipe	SW846 6010B	

Inorganic Analysis					In Review
Hexavalent Chromium	ND	0.50	ug/wipe	SW846 7196A	

Client Sample ID: SOIL-1R

Sample #: 005 Date Sampled: 08/11/99 10:25 Date Received: 08/12/99 Matrix: SOLID

Trace Inductively Coupled Plasma (ICP) Metals					Reviewed
Cadmium	2.0	0.21	mg/kg	SW846 6010B	
Chromium	16.2	0.54	mg/kg	SW846 6010B	
Lead	133	0.32	mg/kg	SW846 6010B	

Results and reporting limits have been adjusted for dry weight.

Inorganic Analysis				In Review
Hexavalent Chromium	1.5	1.1	mg/kg	SW846 7196A
Total Residue as	93.4	0.10	%	MCAWW 150.3 MOD
Percent Solids				

Results and reporting limits have been adjusted for dry weight.

Client Sample ID: SOIL-ZR

Sample #: 006 Date Sampled: 08/11/99 10:27 Date Received: 08/12/99 Matrix: SOLID

Trace Inductively Coupled Plasma (ICP) Metals						Reviewed
Cadmium	4.0	0.21	mg/kg	SW846	6010B	
Chromium	24.0	0.53	mg/kg	SW846	6010B	
Lead	204	0.32	mg/kg	SW846	6010B	

Results and reporting limits have been adjusted for dry weight.

(Continued on next page)

QUANTERRA INCORPORATED

PRELIMINARY DATA SUMMARY

The results shown below may still require additional laboratory review and are subject to change. Actions taken based on these results are the responsibility of the data user.

Lot #: A9H130127 Tetra Tech EM Inc. PAGE 3
ENVIROSAFE Date Reported: 9/09/99

PARAMETER	RESULT	REPORTING LIMIT	UNITS	ANALYTICAL METHOD
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Client Sample ID: SOIL-2R

Sample #: 006 Date Sampled: 08/11/99 10:27 Date Received: 08/12/99 Matrix: SOLID

Inorganic Analysis					In Review
Hexavalent Chromium	ND	1.1	mg/kg	SW846 7196A	
Total Residue as Percent Solids	93.6	0.10	%	MCAWW 160.3 MOD	

Results and reporting limits have been adjusted for dry weight.

Client Sample ID: SOIL-3R

Sample #: 007 Date Sampled: 08/11/99 10:32 Date Received: 08/12/99 Matrix: SOLID

Trace Inductively Coupled Plasma (ICP) Metals					Reviewed
Cadmium	4.5	0.22	mg/kg	SW846 6010B	
Chromium	27.8	0.54	mg/kg	SW846 6010B	
Lead	240	0.32	mg/kg	SW846 6010B	

Residuals and reporting limits have been adjusted for dry weight.

Inorganic Analysis				In Review	
Hexavalent Chromium	ND	1.1	mg/kg	SW846	7196A
Total Residue as	92.5	0.10	%	MCAWW	160.3 MOD
Percent Solids					

Results and reporting limits have been adjusted for dry weight.

Client Sample ID: SOIL-4R

Sample #: 008 Date Sampled: 08/11/99 10:40 Date Received: 08/12/99 Matrix: SOLID

Trace Inductively Coupled Plasma (ICP) Metals					Reviewed
Cadmium	5.7	0.21	mg/kg	SW846 6010B	
Chromium	37.8	0.54	mg/kg	SW846 6010B	
Lead	280	0.32	mg/kg	SW846 6010B	

Results and reporting limits have been adjusted for dry weight.

(Continued on next page)

QUANTERRA INCORPORATED
PRELIMINARY DATA SUMMARY

The results shown below may still require additional laboratory review and are subject to change. Actions taken based on these results are the responsibility of the data user.

Lot #: A9H130127 Tetra Tech EM Inc. PAGE 4
ENVIROSAFE Date Reported: 9/09/99

PARAMETER	RESULT	REPORTING LIMIT	UNITS	ANALYTICAL METHOD
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Client Sample ID: SOIL-4R

Sample #: 008 Date Sampled: 08/11/99 10:40 Date Received: 08/12/99 Matrix: SOLID

Inorganic Analysis					In Review
Hexavalent Chromium	ND	1.1	mg/kg	SW846 7196A	
Total Residue as	93.2	0.10	%	MCAWW 160.3	MOD
Percent Solids					

Results and reporting limits have been adjusted for dry weight.

Client Sample ID: BLANK-ID

Sample #: 009 Date Sampled: 08/11/99 11:45 Date Received: 08/12/99 Matrix: WIPE

Trace Inductively Coupled Plasma (ICP) Metals						Reviewed
Cadmium	ND	0.00020	mg/wipe	SW846	6010B	
Chromium	ND	0.00050	mg/wipe	SW846	6010B	
Lead	0.0036	0.00020	mg/wipe	SW846	6010B	

Inorganic Analysis						In Review
Hexavalent Chromium	ND	0.50	ug/wipe	\$W846	7196A	

Form for Bringing New (Never Catalogued) RCRA Files
to the Region 5 RCRA Records Center

Today's Date: 2-8-17

Your name: Michael Valentino

Phone: 6-4582

Site Name: EnviroSafe of Ohio

Site EPA ID Number: OH 045 243 706

Type(s) of documents:

RCRA CA RFA ☐

RCRA enforcement ☒

RCRA CA RFI ☐

RCRA permit ☐

RCRA CA CMS ☐

TSCA spill cleanup ☐

RCRA CA CMI ☐

Other (describe): ☐

Quantity of documents: # of boxes: # of folders:

Is any information sensitive or FOIA-exempt? Yes ☐ No ☒

If yes, why is it sensitive/FOIA-exempt?

- RCRA CBI ☐
- Attorney-client privilege records for an on-going EPA legal action ☐
- Attorney work product for an on-going EPA legal action ☐
- Would reveal EPA's internal deliberations for an on-going legal action ☐
- Contains personal privacy info (e.g. SSN, home address, or medical info) ☐
- Related to an ongoing civil or criminal investigation ☐
- Could identify a confidential source ☐
- Would reveal EPA law enforcement techniques or procedures ☐

**PLEASE SEGREGATE ANY SENSITIVE/EXEMPT INFORMATION
AND IDENTIFY IT AS SUCH.**

Can documents go straight to the Federal Record Center (archives)? Yes ☒ No ☐

(Documents can be recalled from FRC in 48-72 hours)

BEFORE THE ADMINISTRATOR

ORDER OF DESIGNATION



Susan L. Biro
Chief Administrative Law Judge

Washington, D. C.

CERTIFICATION

I hereby certify that the original of this Order of Designation was mailed to the U. S. EPA Regional Hearing Clerk, and a copy was sent to Respondent and Complainant in this proceeding.


Leanne B. Boisvert
Office of Administrative Law Judges

Dated: August 14, 1997



Tetra Tech EM Inc.

200 E. Randolph Drive, Suite 4700 ♦ Chicago, IL 60601 ♦ (312) 856-8700 ♦ FAX (312) 938-0118

August 5, 1999

Mr. Brian Freeman
U.S. Environmental Protection Agency Region 5
77 West Jackson Boulevard
Chicago, IL 60604

**Subject: Draft Sampling and Analysis Plan for Waste Characterization
Envirosafe Services of Ohio, Inc., Oregon, Ohio
EPA Contract No. 68-W9-9018, Work Assignment No. R05807**

Dear Mr. Freeman:

Enclosed is one copy of the revised cost estimate summary produced by Tetra Tech EM Inc. (Tetra Tech) for waste characterization at the above-referenced facility. Revisions have been made based on discussions between Tetra Tech and the EPA WAM. However, Tetra Tech only regards the reduction in data validation hours as reasonable if no significant problems with the data packages are found.

A copy of the cost estimate revision has also been forwarded to you by e-mail. The hard copy of the cost estimate revision summary constitutes Tetra Tech's official deliverable.

If you have any questions about the cost estimate revision, please call me at (312) 856-8773.

Sincerely,

Andrew Bajorat
Task Manager

Enclosure

cc: Bernie Orenstein, EPA Region 5 (letter only)
Michael Valentino, EPA Region 5
Ed Schuessler, Tetra Tech (letter only)
Art Glazer, Tetra Tech

TABLE A-1
TETRA TECH EM INC.
REPA 2 ZONE II CONTRACT 68-W9-9018
WORK ASSIGNMENT SUMMARY



W.A. NO. : R05807
W.A. NAME : RCRA Sampling and Analysis Activities

LABOR CATEGORY	Hours	Costs
P4	12	\$444
P3	53	1,300
P2	10	189
P1	44	639
T2	0	0
Team Subcontractors	0	
Total LOE	119	
Clerical : Tetra Tech	11	147
Team Subcontractors	0	
TOTAL HOURS	130	

Tetra Tech Direct Labor	\$2,719
Team Subcontractors	0
Vendors/Non-Team Subcontractors	2,700
Travel Costs : Air	0
Per Diem	152
Hotel	100
Ground	110
Total Travel Costs	362
ODCs : Reproduction	104
Freight	0
Computer	197
Telephone	30
Supplies	110
Equipment	50
All Other	250
Total ODCs	741
Indirect Costs	2,830
Total Cost	9,352
Fixed Fee	618
TOTAL COST & FEE	\$9,970

Tetra Tech EM Inc. - Confidential Business Information



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
TSDF
OHD 045 243 706
Lucas County
Notice of Violation and
Return to Compliance

June 9, 2004

Mr. Donald Steyer
Vice-President of Operations
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Steyer:

On May 25, 2004, and June 4, 2004, as part of my routine weekly inspections, I observed the outside area of the Stabilization/Containment Building (SCB) at Envirosafe Services of Ohio, Inc.'s (ESOI) treatment, storage and disposal facility (TSDF) located at 876 Otter Creek Road, Oregon, Ohio. I conducted these inspections to determine ESOI's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), Chapter 3745 of the Ohio Administrative Code (OAC), the terms and conditions of ESOI's Installation and Operation Permit (permit) and a Consent Order and Final Judgment entered into the Director's Journal on April 24, 2000.

During the May 25, 2004, and June 4, 2004, inspections of the SCB exterior, I found the following violation of ESOI's permit:

Permit Condition B.1: *The Permittee shall construct, maintain and operate the facility subject to the approved application, the hazardous waste rules and the terms and conditions of this permit to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release or discharge of hazardous waste or hazardous waste constituents to air, soil or ground or surface waters which may endanger human health or the environment.*

ESOI violated Permit Condition B.1 by failing to prevent hazardous waste tracking in areas of the facility which are not permitted to treat, store or dispose of hazardous waste. At 1633 hours on May 25, 2004, I observed several clumps of waste at three different locations: on the road approximately 20 feet from the scale adjacent to container storage area M and SCB door 127; on the road in front of the SCB control room; and, on the road just outside of the containment pad in front of doors 121 and 122. I also observed tire tracks extending from the containment pad in front of doors 121 and 122 to the area in front of door 124, and a small deposit of moist treated waste along the edge of the road near the M5 transducer. It was readily apparent that the tracked material involved in this instance was hazardous waste electric arc furnace dust (i.e., K061) due to its dark brown and/or maroon color. At 1650 hours on May 25, 2004, I met with Randall Duty, Plant Supervisor - 2nd Shift, who accompanied me on another inspection of the area. Mr. Duty confirmed that the material was hazardous waste and immediately dispatched ESOI personnel to begin cleaning up the waste with a power washer and a vacuum truck. At 1705 hours, a team had arrived to commence cleanup of the waste. At 1730 hours on May 25, 2004, I verified by visual inspection that the waste in the above described areas had been adequately cleaned.



Mr. Donald Steyer
June 9, 2004
Page Two

On June 2, 2004, you informed me that the waste tracking resulted when a vehicle driving through the containment pad in front of doors 121 and 122 picked up waste that had fallen off of an excavator bucket that had been mixing waste in the campaign bin located on the other side of doors 121 and 122. You also informed me that the containment pad had been thoroughly cleaned in order to ensure that further tracking did not occur.

At 0930 hours on June 4, 2004, I observed waste in tire tracks from/to the containment pad in front of SCB Door 122. I also observed waste deposited inside the containment pad which appeared to be the source of the tracked waste. At 0950 hours on June 4, 2004, I showed you the tracked waste. At 1000 hours you cleaned the area with a vacuum truck. I visually confirmed that the area had been thoroughly cleaned and tracked waste removed at 1015 hours on June 4, 2004. After cleaning up the waste, you suggested that the waste may have come from Moxy trucks which are parked on the containment pad when not in use. You suggested having the trucks park on top of Cell M when not in use.

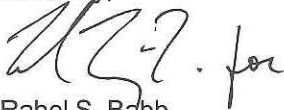
ESOI has adequately abated the violation of Permit Condition B.1. Therefore, no further action is required by ESOI regarding this violation.

If you have any questions or concerns regarding this notice of violation letter, please contact me at (419)698-3130 or via e-mail at rahel.babb@epa.state.oh.us.

You can find copies of the rules and other information on the division's web page at www.epa.state.oh.us/dhwm. Ohio EPA also has helpful information about pollution prevention at the following web address: www.epa.state.oh.us/opp.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, then we encourage you to sign up for this free service. You can find more information at the following web page: www.epa.state.oh.us/dhwm/listserv.html. Please feel free to share this information with your colleagues.

Sincerely,



Rahel S. Babb
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region V
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, IT&TSS, CO
DHWM, NWDO File

ec: Michael Terpinski, Supervisor, NWDO
Eric Getz, Supervisor, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
John Pasquarette, Mgr, DHWM, NWDO
Gretchen Fickle, DHWM, CO
On-Site Inspectors

NOTICE

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County
Return to Compliance

April 10, 2003

Mr. Kenneth L. Humphrey, Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Humphrey:

Thank you for your March 12, 2003, response to Ohio EPA's February 27, 2003, Notice of Violation letter. In your response you proposed several solutions to the issue of waste buildup in the blind sumps located in the concrete floor of the stabilization/containment building (SCB), and asked that Ohio EPA rescind this violation based on your permit language interpretation. On March 28, 2003, a meeting was held between ESOI and Ohio EPA to discuss the NOV and to consider future measures that should be taken to ensure that a violation of permit condition C.3.(o) does not reoccur. Persons present at this meeting, held at Ohio EPA's Northwest District Office, were Jason Romp, Gary Deutschman, Michael Terpinski, and myself representing Ohio EPA, and Don Steyer and yourself from Envirosafe Services of Ohio, Inc. (ESOI).

During this meeting, the following agreements were made to abate the violation discovered during the February 18, 2003, SCB inspection:

1. ESOI agrees to inspect all sumps within the SCB daily, and that these inspections will be conducted by ESOI personnel primarily during 2nd shift operating hours. During these inspections, sumps containing any material, regardless of the amount, will be noted as such in an inspection log. It was agreed that any amounts of materials observed in the sumps will be removed within one calendar month. However, sumps that are full to capacity (i.e., full to the bottom of the grate) will be emptied expeditiously following the daily inspection that discovered the full sump and prior to beginning new activities in the area of the sump.
2. There was some concern regarding the sump located inside the SCB at door #136. The concern was that liquid that accumulated within the sump was frozen and, as a result, was unable to be removed by conventional means. Regarding this situation, it was agreed that the removal of this frozen material was impractical. In the event that this occurs, ESOI agreed to note in the daily inspection log that accumulated materials are in the sump, and that the material cannot be removed due to the frozen condition. ESOI will monitor the sump and remove the accumulated material as it thaws. Finally, ESOI will note in the daily inspection log the date the material was removed.
3. ESOI brought to the attention of Ohio EPA that some of the sumps within the SCB are not necessary for their original intended purpose. These were sumps located inside the SCB at doors #121, #122, #125, #126, #127, #133, #134 and #135, as well as sumps located in Area C7. Ohio EPA has agreed to consider the intended purpose and usefulness of these sumps and to report back to ESOI if the removal of these sumps may be possible through a permit modification. In the meantime, Ohio EPA has agreed to allow ESOI to cover these sumps, provided that the covers do not prevent liquids from entering the sumps, and that the sumps can be easily inspected for accumulated materials.



Mr. Kenneth L. Humphrey
April 10, 2003
Page Two

4. As discussed during the meeting, Ohio EPA is not rescinding the NOV issued on February 27, 2003. However, Ohio EPA agrees that the materials noted in the sumps during the February 18, 2003, inspection of the SCB may or may not have been in compliance with these RTC guidelines.

As a result of the agreements reached above, ESOI has adequately demonstrated abatement of the violation of permit condition C.3.(o) discovered during the February 18, 2003, inspection.

If you have any questions or concerns, please contact me by telephone at (419)698-3130, or via e-mail at rahel.babb@epa.state.oh.us

Sincerely,



Rahel S. Babb
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region V
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, IT&TSS, CO
DHWM, NWDO File

ec: Michael Terpinski, Supervisor, DHWM, NWDO
Eric Getz, Supervisor, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
On-Site Inspectors

NOTE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
RCRA TSDF
OHD 045 243 706
Lucas County
Notice of Violation

August 1, 2003

Mr. Kenneth Humphrey, Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Humphrey:

On June 30, 2003, and July 29, 2003, as part of a routine daily inspection, I reviewed hazardous waste manifests for the dates of June 20, 2003, through June 27, 2003, and July 8, 2003, through July 11, 2003, accepted by Envirosafe Services of Ohio, Inc.'s, (ESOI) treatment storage and disposal facility (TSDF) located at 876 Otter Creek Road, Oregon, Ohio. I reviewed the hazardous waste manifests to determine ESOI's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), Chapter 3745 of the Ohio Administrative Code (OAC), and the terms and conditions of ESOI's Installation and Operation Permit.

I found the following violation of Ohio's hazardous waste laws while reviewing the manifests described above:

1. OAC 3745-54-72(B)

ESOI failed to attempt to reconcile manifest weight discrepancies upon discovery of the discrepancies. In addition, ESOI failed to immediately notify the director by letter for weight discrepancies which were not resolved within fifteen days of receipt by the facility. During my review of manifests accepted by ESOI, I noted the following significant weight discrepancies:

Date Received	Manifest #	State	Transporter	WSID	Manifest Weight (lbs.)	ESOI Scale Weight (lbs.)
06/18/2003	49187	PA	PAD987399292	???	est. 6,860	6,080
06/19/2003	00953	AL	MOD006965869	18870-001	est. 90T	258,320
06/20/2003	00952	AL	MOD006965869	18870-001	est. 90T	243,180
06/24/2003	00954	AL	MOD006965869	18870-001	est. 90T	228,680
06/24/2003	00955	AL	MOD006965869	18870-001	est. 90T	224,600
07/08/2003	00961	AL	MOD006965869	18870-001	est. 90T	251,840
07/08/2003	00960	AL	MOD006965869	18870-001	est. 90T	223,820
07/08/2003	00956	AL	MOD006965869	18870-001	est. 90T	229,660
07/09/2003	00959	AL	MOD006965869	18870-001	est. 90T	214,440
07/09/2003	14210	OH	NYD986969947	10342001	est. 45,000	49,680
07/11/2003	00963	AL	MOD006965869	18870-001	est. 90T	199,280
07/11/2003	00962	AL	MOD006965869	18870-001	est. 90T	234,020

According to OAC Rule 3745-54-72(A), "Manifest discrepancies' are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are: For bulk waste, variations greater than ten percent in weight." OAC Rule 3745-54-72(B) states, "Upon discovery of a significant discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversation). If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator shall immediately submit to the director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue." Please note that the estimation of the weight of the hazardous waste by the generator does not exempt ESOI from complying with OAC Rule 3745-54-72(B).



Mr. Kenneth Humphrey
August 1, 2003
Page Two

To abate this violation, ESOI must attempt to reconcile the above listed weight discrepancies with the generator, and must immediately submit to the director a letter and a copy of the manifest describing the discrepancy and attempts to reconcile it. In addition, ESOI must provide Ohio EPA with details as to how the facility will ensure that this violation does not reoccur.

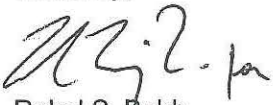
Please be aware that according to ESOI's Installation and Operation Permit Condition A.29., ESOI is required to submit "... all documents and correspondence between the Permittee and Ohio EPA ..." to the Document Depository established at the Lucas County Library - Oregon Branch located at 3340 Dustin Road, Oregon, Ohio.

If you have any questions or concerns, please contact me at (419)698-3130 or via e-mail at rahel.babb@epa.state.oh.us.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, then we encourage you to sign up for this free service. You can find more information at the following web link: <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

Sincerely,



Rahel S. Babb
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region V
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, IT&TSS, CO
DHWM, NWDO File

ec: Michael Terpinski, Supervisor, DHWM, NWDO
Eric Getz, Supervisor, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
John Pasquarette, Manager, DHWM, NWDO
On-site Inspectors

NOTICE:	Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.
---------	--



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
RCRA TSDF
OHD 045 243 706
Lucas County
Return to Compliance

October 23, 2003

Mr. Kenneth Humphrey, Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Humphrey:

Thank you for your October 9, 2003, response to Ohio EPA's September 26, 2003, partial return to compliance letter. In response to your letter, Gary Deutschman and I met with you and Lisa Humphrey at Envirosafe Services of Ohio, Inc. (ESOI) on October 16, 2003.

During the October 16, 2003, meeting, we came to an agreement that ESOI will reconcile manifest discrepancies by contacting the generator of the waste within 15 days of receipt of the waste by ESOI. ESOI will note on line 19 of the manifest the date of the telephone call and the person spoken to. If the discrepancy cannot be reconciled within 15 days of receipt, ESOI will immediately submit to the director of Ohio EPA a copy of the manifest, a letter describing the discrepancy, and ESOI's attempts to reconcile the discrepancy in accordance with OAC Rule 3745-54-72.

Ohio EPA researched the history of weight discrepancies at ESOI. Ohio EPA found no written documentation to confirm your contention that the agency had previously agreed that the use of estimated weights pre-reconciled weight discrepancies. Therefore, Ohio EPA is not rescinding the notice of violation letter.

With this agreement, ESOI has adequately demonstrated abatement of the violation noted in the August 1, 2003, Notice of Violation (NOV) letter.

If you have any questions or concerns, please contact me at (419)698-3130.

Sincerely,

Rahel S. Babb
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region V
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, IT&TSS, CO
Mike Savage, DHWM, CO
ESOI Inspection/NOV File, DHWM, NWDO

ec: Michael Terpinski, DHWM, NWDO
Eric Getz, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
John Pasquarette, DHWM, NWDO
On-Site Inspectors

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State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
RCRA TSDF
OHD 045 243 706
Lucas County
Notice of Violation

October 23, 2003

Mr. Donald Steyer
Vice-President of Operations
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Steyer:

On October 6, 2003, during a routine daily inspection, I observed that the secondary gates that provide railcar access to Envirosafe Services of Ohio, Inc.'s, (ESOI) treatment; storage and disposal facility (TSDF) located at 876 Otter Creek Road, Oregon, Ohio, were open and unattended for an undetermined amount of time. At 1410 hours, I observed the gates open with no activity or evidence of activity in the area. At 1420 hours, I notified Ed Pulido of Ohio EPA of the situation at which time he immediately went to the scene to investigate. At 1425 hours, Mr. Pulido requested an ESOI employee to contact Herb Snider of ESOI via radio. The employee to whom the request was made volunteered to close and secure the gates; however, no ESOI management was notified at that time.

We found the following violation of the Ohio Administrative Code (OAC) and ESOI's Ohio Hazardous Waste Installation and Operation Permit (Permit). In order to correct this violation, you must do the following and send me the required information within ten (10) days of receipt of this letter:

1. Permit Condition B.5(e)(ii) & OAC Rule 3745-54-14(B)

ESOI failed to keep unattended secondary gates locked in accordance with Permit Condition B.5(e)(ii) which states in part, "None of the secondary gates shall be left unattended unless those gates are locked." This is the second known occurrence of the gates at this location being open and unattended. Ohio EPA is concerned that opened and unattended gates may compromise the security of ESOI by allowing the "unauthorized entry by persons or livestock onto the active portion of the facility" [PC B.4(e)].

To abate this violation, ESOI must provide Ohio EPA with measures that the facility will take to ensure that this violation does not recur.

If you have any questions or concerns, please contact me at (419)698-3130 or via e-mail at rahel.babb@epa.state.oh.us.



Mr. Donald Steyer
October 23, 2003
Page Two

You can find copies of the rules and other information on the division's web page at www.epa.state.oh.us/dhwm. Ohio EPA also has helpful information about pollution prevention at the following web address: www.epa.state.oh.us/opp.

The Division of Hazardous Waste Management has created an electronic new service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, then we encourage you to sign up for this free service. You can find more information at the following web link:
www.epa.state.oh.us/dhwm/listserv.html.

Please feel free to share this information with your colleagues.

Sincerely,



Rahel S. Babb
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region V
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, IT&TSS, CO
DHWM, NWDO File

ec: Michael Terpinski, Supervisor, DHWM, NWDO
Eric Getz, Supervisor, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
On-Site Inspectors

NOTICE:

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Form for Bringing New (Never Catalogued) RCRA Files
to the Region 5 RCRA Records Center

Today's Date: 11/30/2017

Your name: William Damico

Phone: 3-8207

Site Name: Enviro safe Services of Ohio

Site EPA ID Number: OH045243706

Type(s) of documents:

RCRA CA RFA	_____	RCRA enforcement	_____
RCRA CA RFI	_____	RCRA permit	<u>13.2.?</u>
RCRA CA CMS	_____	TSCA spill cleanup	_____
RCRA CA CMI	_____	Other (describe):	_____

Quantity of documents: # of boxes: _____ # of folders: _____

Is any information sensitive or FOIA-exempt? Yes _____ No _____

If yes, why is it sensitive/FOIA-exempt?

- RCRA CBI _____
- Attorney-client privilege records for an on-going EPA legal action _____
- Attorney work product for an on-going EPA legal action _____
- Would reveal EPA's internal deliberations for an on-going legal action _____
- Contains personal privacy info (e.g. SSN, home address, or medical info) _____
- Related to an ongoing civil or criminal investigation _____
- Could identify a confidential source _____
- Would reveal EPA law enforcement techniques or procedures _____

**PLEASE SEGREGATE ANY SENSITIVE/EXEMPT INFORMATION
AND IDENTIFY IT AS SUCH.**

Can documents go straight to the Federal Record Center (archives)? Yes _____ No _____
(Documents can be recalled from FRC in 48-72 hours)



876 Otter Creek Road
Oregon, Ohio 43616-3518
Phone: (419) 698-3500 or (800-537-0426)
Fax (419) 698-8663
Website: www.envirosafeservices.com

September 22, 2014

RECEIVED
DIVISION FRONT OFFICE

Ms. Susan Hedman, Regional Administrator
USEPA, Region 5
77 West Jackson Boulevard
Mail Cod R-19J
Chicago, IL 60604-3507

SEP 30 2014
LAND AND CHEMICALS DIVISION
U.S. EPA - REGION 5

RECEIVED
SEP 29 2014
U.S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATOR

RE: Envirosafe Services of Ohio, Inc
EPA I.D. Number OHD 045 243 706
Notices for Importation of Hazardous Waste

Dear Ms. Hedman:

In accordance with 40 CFR 264.12(a), Envirosafe Services of Ohio, Inc. (ESOI) is providing notification that it intends to import hazardous waste from the following foreign source:

Foreign Source

Tonolli Canada Ltd
1333 Tonolli Road
Mississauga, ON
L4Y 4C2

Importer

Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, OH
43616

Registration Number: ONO172600

EPA ID Number: OHD 045 243 706

Contact: Indira Ramadin
Phone: 905-279-9555
Fax: 905-279-5925
e-mail: indira@tonolli.ca

Contact: Stephen DeLussa
Phone: 215-659-2001 ext. 15
Fax: 215-659-9007
e-mail: s.delussa@envirosafeservices.com

1.

Waste Description: **Separators from Lead Acid Battery Recycling**
EPA Waste Code: **D006, D008**
DOT Shipping Name: **Waste environmentally hazardous substances, solid, n.o.s., PGIII (Lead, Cadmium)**
DOT Hazard Class: **9**
DOT I.D. No.: **UN3077**
Total Volume to be Imported: **3,000,000 kg**
Estimated Frequency: **300 loads**

2.

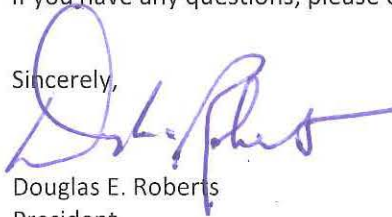
Waste Description: **Separators from Lead Acid Battery Recycling**
EPA Waste Code: **D002, D006, D008**
DOT Shipping Name: **Waste corrosive solid, acidic, inorganic, n.o.s., PGII (Sulfuric Acid)**
DOT Hazard Class: **8**
DOT I.D. No.: **UN3260**
Total Volume to be Imported: **3,000,000 kg**
Estimated Frequency: **300 loads**

Ms. Susan Hedman
September 22, 2014
Page 2

ESOI is providing this notice at least four weeks in advance of the date the waste is expected to arrive at the facility. ESOI will comply with 40 CFR 262.60 (Imports of Hazardous Waste) and has the appropriate permits for, and will accept, the waste the generator is shipping.

If you have any questions, please contact Stephen DeLussa at 215-659-2001 extension 15.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Roberts", is written over the word "Sincerely,".

Douglas E. Roberts
President

cc: William Damico, USEPA Region 5 Coordinator
Corey Heenan, ESOI

Lisa Humphrey, ESOI
Stephen DeLussa, ETI

Letter Of Agreement

This letter of agreement between Tonolli Canada Inc., a Battery Recycling company, operating in Mississauga, Ontario, Canada ("TONOLLI"), and EnviroSAFE Services of Ohio Inc. ("ENVIROSAFE"), a Waste Treatment facility, operating in Oregon, Ohio, USA is intended to comply with regulations pertaining to the Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulation (EHWHRMR), and Export Permit # 535974.

The material to be exported by TONOLLI and received by ENVIROSAFE under this agreement are leachate toxic for lead and cadmium (line 1) and corrosive (line 2). The code for disposal, for all materials listed in the export permit, is D9, from the Canada Gazette Part II, Vol. 139, No. 11 found in Schedule 1, Column I per the Canadian Environmental Protection Act 1999, PC 2005-930. The operation is described as physical or chemical treatment nos in this schedule, such as calcination, neutralization or precipitation. The volumes of material to be shipped to ENVIROSAFE are: 3,000,000Kg of Environmentally Hazardous Waste, solid, UN NA (line 1) and 3,000,000KG of Corrosive solid, acidic, inorganic, N.O.S., UN3260 (line 2) from the above Export Permit. These materials will be disposed of in accordance with the Export Permit.

As the importer of this material to the United States, ENVIROSAFE agrees as follows:

- (1) Within 3 work days after receipt of the materials by ENVIROSAFE a copy of the movement document with Part C completed and signed by an authorized employee of ENVIROSAFE will be submitted to the exporter, and submit, at the time of delivery, a copy of the movement document and the export permit to the exporter;
- (2) Within one year from the date of acceptance of the material for disposal or the time set out by the authority of jurisdiction in which ENVIROSAFE resides, whichever is shorter, ENVIROSAFE will complete the disposal of the material shipped to its facility;
- (3) Within 30 days after disposal of the materials, a written confirmation of such will be mailed to exporter;
- (4) All practicable measures will be taken to aid TONOLLI in fulfilling the terms of obligation under the EHWHRMR if ENVIROSAFE does not accept delivery, or, if and when the materials cannot be disposed of in accordance with the agreed terms.

This agreement shall stay in force for 1 year and 30 days following the final delivery of the above-mentioned materials.

For;

Tonolli Canada Inc.

INDIRA RAMADIN

Name, Title

I. Ramadin

Signature

Sept 17, 2014

Date

For;

EnviroSAFE Services of Ohio Inc.

Douglas E Robert

Name, Title

President

Signature

9/22/14

Date

Form for Bringing New (Never Catalogued) RCRA Files
to the Region 5 RCRA Records Center

Today's Date: 1-9-17

Your name: Mike Valentino

Phone: 6-4582

Site Name: Enviro safe services

Site EPA ID Number: OH0 045 243 706

Type(s) of documents:

RCRA CA RFA ☐

RCRA enforcement ☒

RCRA CA RFI ☐

RCRA permit ☐

RCRA CA CMS ☐

TSCA spill cleanup ☐

RCRA CA CMI ☐

Other (describe): ☐

Quantity of documents: # of boxes: _____ # of folders: _____

Is any information sensitive or FOIA-exempt? Yes ☐ No ☒

If yes, why is it sensitive/FOIA-exempt?

- RCRA CBI ☐
- Attorney-client privilege records for an on-going EPA legal action ☐
- Attorney work product for an on-going EPA legal action ☐
- Would reveal EPA's internal deliberations for an on-going legal action ☐
- Contains personal privacy info (e.g. SSN, home address, or medical info) ☐
- Related to an ongoing civil or criminal investigation ☐
- Could identify a confidential source ☐
- Would reveal EPA law enforcement techniques or procedures ☐

**PLEASE SEGREGATE ANY SENSITIVE/EXEMPT INFORMATION
AND IDENTIFY IT AS SUCH.**

Can documents go straight to the Federal Record Center (archives)? Yes ☒ No ☐
(Documents can be recalled from FRC in 48-72 hours)



State of Ohio Environmental Protection Agency

Northwest District Office

47 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County
Notice of Violation/Return to Compliance

June 19, 2002

Certified Mail 7001 0320 0000 3160 3873

Mr. Donald Steyer, Director of Operations
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Steyer:

On July 25, 2001; December 14, 2001; February 25, 2002; and May 15, 2002, Envirosafe Services of Ohio, Inc., (ESOI) violated order V.7 of the April 24, 2000, Director's Consent Order and Final Judgement and permit condition K.3(b)(xiii) [K.4(b)(xiii) prior to the class 3 hazardous waste permit modification approved on September 18, 2001]. On the dates listed above, ESOI disposed of hazardous waste in cell M which did not meet the land disposal restriction (LDR) requirements found in 40 CFR Chapter 268. The following narrative describes the events.

On July 25, 2001, ESOI received a shipment of contaminated soil which had been characterized as D008 hazardous waste and identified with waste stream identification number (WSID) GMF-076. This shipment was designated as load number 107250025. According to ESOI personnel, the "scale trailer" operator assumed that the waste was a direct disposal load similar to the loads that are routinely received by ESOI from that generator. The load was then disposed of in cell M. At 4:00 p.m. that same day, ESOI personnel informed Ohio EPA on-site inspectors that the facility had mistakenly disposed of this load prior to stabilization. The waste was immediately excavated, treated and tested. The analytical results indicated that the LDR requirements for this waste were met after treatment.

On December 14, 2001, ESOI treated waste load 112110010 which consisted of two waste streams, WSID 10540 (D008 slag) and WSID 10891 (D006/D008 brick). Because this load was a mixture of two waste streams, it was required to be managed as a grab and hold waste. Therefore, after treatment a sample of the treated waste was obtained for analysis. The analytical data indicated that the waste load 112110010 failed to meet the applicable LDR requirements and required retreatment. On January 11, 2002, ESOI reported to Ohio EPA that they were unable to find the container labeled 112110010. ESOI believes that the load was disposed of in cell M on December 14, 2001, due to a labeling error which occurred after treatment of the load.



Mr. Donald Steyer
June 19, 2002
Page Two

ESOI submitted a waste removal plan for this load dated January 14, 2002. On January 15, 2002, ESOI dug approximately 120 - 130 cubic yards of waste out of cell M. This waste was deposited into the campaign bin for retreatment. The waste was retreated and a sample was obtained for analysis. The analytical data indicated that the first retreatment of this load failed to meet the applicable LDR requirements. The load was then treated and sampled again. The analytical data dated January 18, 2002, indicated that this load met applicable LDR requirements.

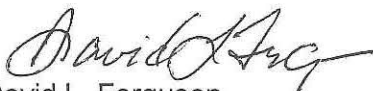
On February 25, 2002, Jason Romp, Ohio EPA on-site inspector, observed what appeared to be a large amount of dust and steam being generated from a load of K061 electric arc furnace dust, waste load number 202250014, WSID 18594-004 as it was being dumped into cell M. Due to the physical appearance of this waste, a sample of this waste was obtained by ESOI for analysis. The compliance sample taken failed to meet the applicable LDR requirements. This waste was removed from cell M on February 26, 2002, and was retreated. The analytical data dated February 27, 2002, indicates that the waste met applicable LDR requirements after retreatment.

Waste load number 205130018, WSID 20471-001, K-061 electric arc furnace dust, was treated and sampled for LDR compliance on May 13, 2002. The analytical data available on May 14, 2002, indicated that the load did not meet LDR requirements. However, ESOI personnel mislabeled the load and it was disposed of in cell M on May 15, 2002. ESOI excavated the waste on May 16, 2002. The waste was retreated and sampled. The analytical data dated May 21, 2002, indicates that the waste met applicable LDR requirements after retreatment.

Failure to list specific deficiencies in this letter does not relieve ESOI from the responsibility of complying with all applicable regulations and permit conditions. This letter does not relieve ESOI from liability for past or present violations of the state's hazardous waste laws.

If you have any questions, please contact me at (419)698-3130.

Sincerely,



David L. Ferguson
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region 5
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, CO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO File
ec: Shannon Nabors, DHWM, NWDO
Michael Terpinski, DHWM, NWDO
Eric Getz, DHWM, NWDO
On-site Inspectors



State of Ohio Environmental Protection Agency

Northwest District Office

North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County
Notice of Violation and
Return to Compliance

April 9, 2002

Mr. Donald Steyer, Vice-President of Operations
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Steyer:

The Ohio Environmental Protection Agency (Ohio EPA) conducts daily inspections at Envirosafe Services of Ohio, Inc.'s, (ESOI) treatment, storage and disposal facility located in Oregon, Ohio. The inspections are conducted in order to determine ESOI's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) Chapter 3745 of the Ohio Administrative Code (OAC), the terms and conditions of ESOI's installation and operation permit issued by the Ohio Hazardous Waste Facility Board (HWFB) and revised May 7, 1996, by the Director of Ohio EPA, and the April 24, 2000, Director's Consent Order and Final Judgment.

On April 1, 2002, I found the following hazardous waste tracking violation during a daily inspection of the stabilization/containment building's (SCB) exterior:

1. **Permit Condition F.2(k):** *The SCB must be designed and operated to ensure containment and the operator must take measures to prevent the tracking of materials from the unit by personnel or equipment. The Permittee must inspect and decontaminate all equipment (including trucks off-loading waste) prior to leaving the SCB.*

ESOI violated Permit Condition F.2(k) by failing to prevent hazardous waste tracking from the concrete containment pad for SCB door 127, which is located on the southeast side of the SCB. At 1100 hours on April 1, 2002, I observed tire tracks extending from the eastern edge of the containment pad to about sixty feet southeast onto the nearby asphalt road. In addition, someone had tracked waste out of the containment pad with their boots for a short distance. It was readily apparent that the tracked material involved in this instance was hazardous waste electric arc furnace dust (i.e., K061) due to its dark brown and/or maroon color. The waste could be spread with my foot. It was also apparent that the tire tracking was caused by more than one vehicle that had entered and exited the containment pad prior to my inspection, as I observed the tracks of one or two dual-axle vehicles and the tracks of ESOI's small fork-lift or Bobcat. However, the Reportable Quantity (RQ) for K061 was not exceeded.

Ken Humphrey and Mike Phillips (ESOI) observed the tracking with me at 1150 hours on April 1, 2002. They immediately dispatched ESOI personnel to begin cleaning up the tracking. At 1530 hours on April 1, 2002, I verified by visual inspection that the tracking at the containment pad for door 127 had been adequately cleaned up; therefore, ESOI has returned to compliance with respect to this violation of Permit Condition F.2(k). Additionally, no further action is required by ESOI regarding this violation.



Mr. Don Steyer
April 9, 2002
Page Two

If you have any questions or concerns, please contact me at (419)698-3130.

Sincerely,

Handwritten signature of Jason M. Romp, with the word "for" written below it.

Jason M. Romp
Environmental Specialist
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, USEPA, Region V
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, IT & TSS, CO
DHWM, NWDO File

ec: Michael Terpinski, Supervisor, DHWM, NWDO
Eric Getz, DHWM, NWDO
On-Site Inspectors

<p>NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.</p>



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County
NOV/RTC

May 10, 2002

Certified Mail 7001 0320 0000 3160 3613

Mr. Donald Steyer, Director of Operations
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Steyer:

The subject of this letter is Envirosafe Services of Ohio, Inc.'s (ESOI) compliance with permit condition K.4 [formerly K.5] regarding the operation of the leachate collection system for Cell M. On April 27, 2001, the Ohio Environmental Protection Agency (Ohio EPA) sent a notice of violation (NOV) letter to ESOI for violation of permit condition K.5(a)(i) on multiple days during the calendar year 2000. ESOI's May 16, 2001, response to the NOV referenced a letter from Ohio EPA to the facility dated April 18, 1994, which allowed the facility to use "end of the working day" leachate readings to determine compliance with permit condition K.5(a)(i). Because the leachate levels used in the April 27, 2001, NOV were not based on end of the working day, Ohio EPA retracted the NOV as outlined in a letter to the facility dated August 7, 2001.

In addition to retracting the April 27, 2001, NOV, the August 7, 2001, letter also:

1. Required ESOI to submit a permit modification request to incorporate a clear standard of when leachate level readings are to be taken to determine compliance with permit condition K.5(a)(i) and Ohio Administrative Code (OAC) Rule 3745-57-03(A)(2).
2. Clearly stated that ESOI must work expeditiously to remove leachate from the primary synthetic liner to below the one foot level at all times, including on the weekend.

In a letter dated October 16, 2001, Ohio EPA approved ESOI's August 15, 2001, Class 1A permit modification request. This permit modification states that leachate level readings used to determine compliance will be taken and recorded at the end of the working day. The approved permit modification request correctly cited permit condition K.5(a)(i). However, on September 18, 2001, prior to the approval of this Class 1A permit modification, Ohio EPA approved a Class 3 permit modification. The Class 3 permit modification changed the leachate collection system permit condition from K.5 to K.4. This situation was corrected with Ohio EPA's April 23, 2002, approval of the Class 2 permit modification request for the operation of leachate collection system sumps without transducers submitted on December 24, 2001.



On October 25, 2001, a meeting was conducted at Ohio EPA's Northwest District Office to discuss ESOI's compliance with permit condition K.4. Meeting attendees included: Ken Humphrey and Mike Philips representing ESOI, and Michael Terpinski, Eric Getz and myself representing Ohio EPA. Several issues were discussed during this meeting, including the routine operation of the leachate storage tanks, tanker truck availability following precipitation events and compliance with the applicable permit condition on weekends.

Regarding the leachate storage tanks, Ohio EPA requested documentation demonstrating that the facility was maintaining these tanks at an "empty" condition during dry periods to allow adequate leachate storage during storm events. ESOI's November 6, 2001, response indicates that the facility can only pump the tanks down to approximately 20%. In addition, the records submitted indicate that the tanks are not operated above 90% capacity. While it appears the facility has 100,000 gallons of leachate storage capacity, the facility only stores a maximum of approximately 70,000 gallons of leachate in the tanks at any given time. ESOI determined that the additional leachate storage tanks, listed in the facility's Part A application, are not needed. These proposed tanks, S2, S3 and S500, were to be designed to store 543,000 gallons of leachate. On November 8, 2001, Ken Humphrey, Eric Getz and I met to discuss additional information concerning the efforts made by ESOI to obtain tanker trucks during a particular storm event in September 2001. ESOI's November 13, 2001, response included a chart outlining the number of tankers requested by ESOI, the number of tankers received, and the gallons of leachate shipped daily from September 10, 2001, through September 15, 2001. This documentation indicates, as ESOI has previously stated, that the facility was unable to get an adequate number of tankers for shipping leachate off-site after that storm event.

Compliance with OAC Rule 3745-57-03(A)(2) has been an ongoing issue. An NOV was issued to ESOI on December 2, 1993, regarding violation of permit condition K.5(a)(i). At the time of this NOV, ESOI was required to keep the leachate levels below one foot at all times. Ohio EPA's March 9, 1994, letter indicated that ESOI would have to modify the existing permit to allow for the temporary accumulation of leachate above one foot following a major storm event. Permit condition K.5(a)(i) was changed to allow the facility to have "temporary excursions" of leachate above one foot if the situation warranted such an excursion.

Ohio EPA agrees that it is difficult to write a permit condition which encapsulates all of the factors which may lead to the leachate levels temporarily exceeding one foot. Because of this, the time allowed to comply with OAC Rule 3745-57-03(A)(2) is determined on a case-by-case basis. The determination of whether the facility has complied is made after review of pertinent information which includes, but is not limited to, leachate level readings, amount of precipitation, previous precipitation, amount of leachate pumped, number of tankers acquired to ship leachate off-site, time period leachate levels remain above the regulatory level, etc. Using this criteria, Ohio EPA has determined that ESOI has violated permit condition K.4(a)(i).

The following table includes the dates the leachate accumulation on the primary synthetic liner exceeded the height of one (1) foot and the date on which the leachate was pumped to below the regulatory level, which is indicated by a transducer reading at the individual sump location.

Date of exceedance	Sump	Allowable Leachate Level	Actual Leachate Level	Date leachate pumped below allowable level
12/19/00	M4	30.0	47.1	12/20/00
09/12/01	M6	30.0	63.4	09/14/01
09/13/01	M6	30.0	53.2	09/14/01
10/09/01	M6	30.0	35.6	10/10/01

Mr. Donald Steyer
May 10, 2002
Page Three

During the construction of the expanded Phase 3, Ohio EPA inspectors were on-site during weekend construction. On Sunday, November 25, 2001, Jason Romp, Ohio EPA, noted in the day's field report that the leachate level in sump M6 was 38.6. ESOI's Monday morning, November 26, 2001, reading of the leachate level in M6 was 39.1. The facility pumped sump M6 to below 30.0 by the end of the working day on November 26, 2001.

ESOI has failed to ensure that leachate levels remain below one foot on weekends. As noted in the primary leachate spreadsheets submitted to Ohio EPA, there have been several occasions on which leachate levels are below one foot on Friday, but above the regulatory level on the first reading on Monday. Since there is no "end of day" data available for weekends or holidays, except as noted above, it is not possible to determine the facility's regulatory compliance on those days. ESOI must immediately begin recording leachate levels every day to assure compliance. This data must be included with the primary and secondary leachate spreadsheets already submitted to Ohio EPA for review.

Currently, the end of the day leachate level data is submitted to Ohio EPA the month following data collection. Therefore, Ohio EPA may not be aware of leachate excursions until over one month's time has elapsed. Upon receipt of this letter, ESOI must notify Ohio EPA personnel, using electronic mail, of any leachate excursions by noon of the day following the excursion. Recipients of this notification should include Michael Terpinski, Eric Getz, and the ESOI on-site inspectors.

Ohio EPA is concerned that ESOI's ability to comply with permit condition K.4 will become increasingly difficult due to the additional surface area of the expanded Phase 3. Presently, the precipitation accumulated on the installed primary liner is prevented from entering M5 and M6 subcells by a plastic diversion dike. However, this dike will eventually be removed, in sections, upon the certification of the expanded Phase 3 cell as ESOI begins disposing of waste in the expanded cell.

ESOI shall respond in writing to me at this office within thirty (30) business days of the receipt of this NOV. ESOI's response shall include a detailed description of how the facility intends to comply with permit condition K.4, acknowledgment that Ohio EPA will be notified by noon the day following an excursion, and data demonstrating the facility is recording leachate levels on weekends and holidays.

If you have any questions, please contact me at (419)698-3130.

Sincerely,



David L. Ferguson
Environmental Specialist
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Jeremy Carroll, DHWM, CO
Paul Little, U.S. EPA, Region 5
Tammy McConnell, DHWM, CO
DHWM, NWDO File
NWDO Follow-up File
ec: Shannon Nabors, DHWM, NWDO
Michael Terpinski, DHWM, NWDO
Eric Getz, DHWM, NWDO
On-site Inspectors



State of Ohio Environmental Protection Agency

Northwest District Office

47 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County
Notice of Violation and
Return to Compliance

February 28, 2002

Certified Mail 7001 0320 0000 3160 3125

Mr. Donald Steyer, Vice-President of Operations
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Steyer:

The Ohio Environmental Protection Agency (Ohio EPA) conducts daily inspections at Envirosafe Services of Ohio, Inc.'s, (ESOI) treatment, storage and disposal facility located in Oregon, Ohio. The inspections are conducted in order to determine ESOI's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), Chapter 3745 of the Ohio Administrative Code (OAC), the terms and conditions of ESOI's installation and operation permit issued by the Ohio Hazardous Waste Facility Board (HWFB) and revised May 7, 1996, by the Director of Ohio EPA, and the April 24, 2000, Director's Consent Order and Final Judgment.

On February 15, 2002, I found the following hazardous waste tracking violation during a daily inspection of the stabilization/containment building's (SCB) exterior:

1. **Permit Condition F.2(k):** *The SCB must be designed and operated to ensure containment and the operator must take measures to prevent the tracking of materials from the unit by personnel or equipment. The Permittee must inspect and decontaminate all equipment (including trucks off-loading waste) prior to leaving the SCB.*

ESOI violated Permit Condition F.2(k) by failing to prevent hazardous waste tracking from the concrete containment pad for SCB door 127, which is located on the southeast side of the SCB. At 1645 hours on February 15, 2002, I observed tire tracks extending from the eastern edge of the containment pad to about twenty feet southeast toward the nearby asphalt road. It was apparent that some of the tracking was also caused by the dragging of contaminated equipment from the same containment pad, which is where ESOI personnel periodically decontaminate (i.e., power-wash) scrap metal that will be recycled. It was readily apparent that the tracked material involved in this instance was hazardous waste electric arc furnace dust (i.e., K061) due to its dark brown and/or maroon color. The waste could be spread with my foot. However, the Reportable Quantity (RQ) for K061 was not exceeded. Ken Humphrey (ESOI) observed this tracking with me at 1700 hours on February 15, 2002. He immediately dispatched ESOI personnel to begin cleaning up the tracking.

At 1000 hours on February 22, 2002, I verified by visual inspection that the tracking at the containment pad for door 127 had been adequately cleaned up; therefore, ESOI has returned to compliance with respect to their violation of Permit Condition F.2(k). Additionally, no further action is required by ESOI regarding this violation.



Mr. Thomas Williams
February 28, 2002
Page Two

On February 19, 2002, I found the following hazardous waste tracking violation during a daily inspection of the SCB's exterior:

2. **Permit Condition F.2(k):** *See above for a description of this permit condition.*

ESOI violated Permit Condition F.2(k) by failing to prevent hazardous waste tracking from the north side of the SCB at door 201. At 0900 hours on February 19, 2002, you and I observed tire tracks extending from the SCB through doorway 201 and down the concrete ramp toward the nearby asphalt road. It was readily apparent that the tracked material involved in this instance was hazardous waste electric arc furnace dust (i.e., K061) due to its dark brown and/or maroon color. The waste could be spread with my foot. It was also apparent that the tire tracking was caused by more than one vehicle that had entered and exited the SCB through door 201 prior to my inspection, as I observed the tracks of ESOI's dual-axle fuel truck and small fork-lift. However, the Reportable Quantity (RQ) for K061 was not exceeded. You immediately dispatched ESOI personnel to begin cleaning up the tracking.

At 0955 hours on February 22, 2002, I verified by visual inspection that the tracking at door 201 had been adequately cleaned up; therefore, ESOI has returned to compliance with respect to their violation of Permit Condition F.2(k). Additionally, no further action is required by ESOI regarding this violation.

If you have any questions or concerns, please contact me at (419)698-3130.

Sincerely,



Jason M. Romp
Environmental Specialist
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, USEPA, Region V
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, CO, IT & TSS
DHWM, NWDO File

ec: Michael Terpinski, DHWM, NWDO
Eric Getz, DHWM, NWDO
On-Site Inspectors

NOTICE:	Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.
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April 22, 1999

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

VIA FACSIMILE AND FIRST CLASS MAIL

REPLY TO THE ATTENTION OF:

DE-9J

Mr. Kenneth L. Humphrey
Director of Environmental Affairs
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, OH 43616
Fax No. (419) 691-0276

RE: 1997-1998 Grab and Hold Tracker
Envirosafe Oregon, OH Facility
EPA ID No. OHD 045 243 706

Dear Mr. Humphrey:

As a follow-up to our recent telephone conversation, this letter shall officially document our agreement that Envirosafe will provide, by April 30, 1999, the United States Environmental Protection Agency ("EPA") with the 1997-1998 Grab and Hold Tracker, including the three pages of analytical results for each load¹ of K061 waste treated and disposed of at the Oregon, OH Facility.

Please send the records to the direct attention of Thomas Matheson, Waste Management Branch, WPTD, Mail Code DRP-8J, at the above address.

If you need to speak to me concerning this letter, I can be reached at (312) 886-4582. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Michael Valentino".

Michael Valentino

¹Pursuant to the understanding shared by Envirosafe and EPA during the December 14 and 15, 1998 site investigation/records review, the top three pages for *each load* were requested by EPA for the 1997-98 Grab & Hold Tracker, along with other records which were subsequently provided to this office by Envirosafe.



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, Ohio 43402
(419) 352-8461 FAX (419) 352-8468

Bob Taft
Governor

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County
Return to Compliance

December 18, 2002

Mr. Ken Humphrey, Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Humphrey:

On November 6, 7, 8 and 12, 2002, Dave Ferguson and I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a hazardous waste compliance evaluation inspection (CEI) of the Envirosafe Services of Ohio, Inc.'s, (ESOI) treatment, storage and disposal facility located in Oregon, Ohio. During the inspection, we found that ESOI was in violation of a manifest discrepancy requirement of Ohio Administrative Code (OAC) Rule 3745-54-72(B) and related Permit Condition B.3(a)(v)(a). Ohio EPA detailed this single violation in a November 26, 2002, Notice of Violation (NOV) letter to ESOI.

In order to completely abate the violation, the NOV letter requested that ESOI respond to Ohio EPA in writing with a plan to avoid similar violations in the future. Ohio EPA received ESOI's December 6, 2002, response, which included such a plan. My review of this plan reveals that ESOI has adequately demonstrated abatement of the violation discovered during the November 2002 CEI. In addition, note that Ohio EPA looks forward to receiving future manifest discrepancy notification letters from ESOI via either e-mail or facsimile.

If you have any questions or concerns, please call me at (419)698-3130.

Sincerely,

Jason M. Romp
Division of Hazardous Waste Management

/cs

pc: Tammy McConnell, DHWM, CO, IT&TSS
Oregon Document Depository - General Correspondence
Paul Little, U.S. EPA, Region V
Jack McMannus, AGO
Mayor Marge Brown, City of Oregon
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO File
ec: Shannon Nabors, Manager, DHWM, NWDO
Harry Sarvis, DHWM, CO
Michael Terpinski, Supervisor, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
On-site Inspectors, DHWM, NWDO

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

February 28, 2003

REPLY TO THE ATTENTION OF.

VIA TELEFAX and
FIRST CLASS MAIL

Jeff Woolstrum, Esq.
Honigman, Miller, Schwartz and Cohn
2290 First National Building
660 Woodward Avenue
Detroit, Michigan 48226-3583
fax 313-465-8000

RE: Edward's Oil Service, Detroit, Michigan

Dear Jeff:

This letter confirms the schedule we agreed to in yesterday's conference call.

March 15, 2003	Edwards will submit 2001 tax return, closure/corrective action cost estimates;
April 1, 2003	EPA will respond to Edward's ability-to-pay claim; and
April 15, 2003	Edwards will submit a facility-wide compliance plan.

If you have any questions, please call me at 312-886-6721.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. Murawski", with a stylized flourish at the end.

Richard M. Murawski
Assistant Regional Counsel

cc: Bob McCoy (SE-5J)
Barb Carr (SE-5J)
Mike Valentino (DE-9J)
Sue Brauer (DW-8J)
Greg Sukys (DOJ)

S



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAY 08 2001

REPLY TO THE ATTENTION OF

DE-9J

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Dearborn Refining Company
3901 Wyoming Avenue
Dearborn, MI 48120
c/o Mr. Aram Moloian, President

Mr. Jeffrey Haynes, Esq.
Beier Howlett, P.C.
200 East Long Lake Road
Suite 110
Bloomfield Hills, MI 48304-2361

Re: Notice of Violation
Failure to Comply with September 29, 2000 Administrative
Order, Docket No. R7003-5-00-3, as amended on
January 26, 2001

Dear Messrs. Moloian and Haynes:

On September 29, 2000, the United States Environmental Protection Agency (U.S. EPA) issued to Dearborn Refining Company an Administrative Order under Section 7003(a) of the Solid Waste Disposal Act, as amended (RCRA), 42 U.S.C. §6973(a) (Order), Docket No. R7003-5-00-3. The Order requires, among other things, that Dearborn Refining Company comply with Section VI, "Work to be Performed," at its Dearborn, Michigan facility ("the facility"). The Order contains time frames within which Dearborn Refining Company is required to undertake specific remedial response and investigatory measures at the facility as deemed necessary by U.S. EPA to protect human health and the environment.

Following issuance of the Order, U.S. EPA granted informal extensions to the effective date of the Order with the understanding and expectation that such extensions would afford Dearborn Refining Company a better opportunity to respond positively to the Order and to complete the work required therein. On January 26, 2001, U.S. EPA amended certain provisions of the Order, allowing for extensions of time to Dearborn Refining Company for submittal of deliverables and

execution of tasks, an extension of time for the Order's effective date, and the incorporation of changes and corrections to certain facts.

As amended, the Order became effective at 4:00 pm (Central Time) on the thirtieth (30) day after the date Dearborn Refining Company received a copy of the executed First Amendment. U.S. EPA issued the executed amended Order to Dearborn Refining Company via certified mail on January 26, 2001. According to U.S. EPA's records Dearborn received the Order by January 31, 2001. Accordingly, the Order became effective on or before March 2, 2001.

As stated above, the Order specifies certain time frames within which Dearborn Refining Company must meet its obligations under the Order. Under Section VIII, paragraph C., within ten (10) days of the effective date, Dearborn Refining Company was required to notify U.S. EPA, in writing, of the name, title and qualifications of the personnel and contractors to be used in carrying out the work identified in Section VI of the Order. As such, Dearborn Refining Company was required to provide this information to the U.S. EPA on or before March 12, 2001. To date, Dearborn Refining Company has not provided the required written notification.

Section VI, paragraph A.1. requires Dearborn Refining Company, within fifteen (15) days of the effective date of the Order, to repair the fencing around the perimeter of the facility so as to enclose the facility on all sides. Dearborn Refining Company was required to complete this task no later than March 17, 2001. To date, Dearborn Refining Company has not provided any documentation that this work was completed.

Under paragraph VI.B.1., as amended, Dearborn Refining Company was required to submit, within thirty (30) calendar days of your receipt of the January 26, 2001 amendments, a Remedial Measures Work Plan (RM Work Plan) which details the remedial actions and schedules to be followed in completing the work identified in paragraphs VI.B.1.(a) and (b) of the Order. Dearborn Refining Company was required to submit the RM Work Plan to U.S. EPA on or before March 2, 2001. To date, Dearborn Refining Company has not provided the U.S. EPA with the RM Work Plan.

Furthermore, under Section VI, paragraph A.2 of the First Amendment, Dearborn Refining Company was required to empty the contents of tanks 1, 2, 5, 12, 17, 59, 60, 62, 70, 75, 76, 80, 81 and 82 within sixty (60) days of the effective date of the Order. Therefore, for Dearborn Refining Company to be in compliance with

this provision of the Order, it would have had to empty the contents of the above-referenced tanks on or before May 1, 2001. To date, Dearborn Refining Company has not provided the U.S. EPA with any confirmation that the contents of each of these tanks have been emptied.

Finally, under revised paragraph B.1(b) of Section VI, within sixty (60) days of the Order's effective date, Dearborn Refining Company was required to install four (4) groundwater monitoring wells around the facility, placed so as to determine the location of the groundwater table and to ascertain groundwater flow direction beneath the facility. Dearborn Refining Company is also required to determine groundwater quality beneath the facility and the impacts to groundwater by the facility. Therefore, for Dearborn Refining Company to be in compliance with this provision of the Order, it would have had to install the four monitoring wells on or before May 1, 2001. To date, Dearborn Refining Company has not provided the U.S. EPA with any confirmation that the wells were installed.

Presently, Dearborn Refining Company is in violation of no less than five conditions of the Order.

According to Section 3008(a) of the Resource Conservation and Recovery Act, U.S. EPA may issue an order assessing a civil penalty for any past or current violation and requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a written response to the violations cited above within thirty (30) days of receipt of this letter. The response should document the actions, if any, which you have taken to comply with the above requirements. You should submit your response to Michael Valentino, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, DE-9J, Chicago, Illinois 60604.

If you have any questions regarding this matter, please contact Mr. Valentino, of my staff, at (312) 886-4582, or Richard Clarizio, of the Office of Regional Counsel, at (312) 886-0559.

Sincerely,

Robert Dean Smith

for Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

cc: JoAnn Merrick, MDEQ - Lansing



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County
October 19, 2001, NOV/RTC

January 23, 2002

Mr. Ken Humphrey
Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Humphrey:

On October 2 and 3, 2001, Ohio EPA conducted a hazardous waste compliance evaluation inspection (CEI) of ESOI's treatment, storage and disposal facility located in Oregon, Ohio. Violations noted during this inspection were outlined in Ohio EPA's October 19, 2001, Notice of Violation/Return to Compliance (NOV/RTC) letter.

ESOI was cited for violation of the April 24, 2000, Director's Consent Order & Final Judgement, Order V.5 and Permit Condition F.2(k) for the failure to prevent hazardous waste tracking out of the west side of the Stabilization/Containment Building (SCB) at door 131. The waste had apparently fallen off of the railroad cars that were transported through the area prior to the inspection. The facility was also cited for violation of Permit Condition F.3(e)(i)(a) and ESOI RCRA Part B Permit Application - Volume 7, Subsection D-6J, Date August 11, 1995, Revision No. 1, Page Confidential D-5 for the failure to inspect a finished microencapsulation box in the manner outlined in the facility's Permit and the RCRA Part B Permit Application. As noted in the October 19, 2001, NOV/RTC, ESOI was returned to compliance for these violations.

ESOI's October 30, 2001, response correctly indicated that Ohio EPA improperly cited Order V.5 of the April 24, 2000, Director's Consent Order & Final Judgement, as vehicles hauling treated hazardous wastes do not exit through SCB door 131. Therefore, Ohio EPA is retracting the Order V.5 portion of violation number one of its October 19, 2001, CEI NOV/RTC.

ESOI's response also indicated that the hazardous waste tracking incident described in the October 19, 2001, NOV/RTC did not involve "tracking" but rather "spotting," and, therefore, Ohio EPA should also retract the Permit Condition F.2(k) portion of violation number one. Ohio EPA is maintaining the Permit Condition F.2(k) portion of violation number one of the October 19, 2001, CEI NOV/RTC letter. Hazardous waste which exits the SCB, whether it has adhered to equipment (wheels, tracks or any portion of the machine) or personnel (shoes, clothing) and then falls to the ground outside the unit is considered "tracking." Please also note that even the aforementioned Order V.5 refers to waste that "has fallen from" a vehicle exiting the SCB as an incident constituting "tracking."



Mr. Ken Humphrey
January 23, 2002
Page Two

ESOI has also requested that Ohio EPA retract the second violation regarding the facility's failure to inspect finished microencapsulation boxes by opening the cardboard from top to bottom to allow adequate inspection of the setup encapsulant/cement. During the inspection, Ohio EPA personnel noted that the cardboard box, which was identified with profile number 11753 and load number 109260013, had not been inspected in a manner that is consistent with either Permit Condition F.3(e)(1)(a) or the RCRA Part B Permit Application. The facility believes that Ohio EPA has reinterpreted Permit Condition F.3(e)(i)(a) and Permit Application Section D, Subsection D-6j. However, ESOI's permit application specifically states that, *"Finished boxes are inspected by cutting the cardboard from top to bottom . . ."* Therefore, Ohio EPA is maintaining the initial citation of Permit Condition F.3(e)(i)(a) and Permit Application Section D, Subsection D-6j violation of the October 19, 2001, CEI NOV/RTC letter.

If you have any questions or concerns, please contact me at (419) 698-3130.

Sincerely,



Jason M. Romp
Environmental Specialist
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository - General Correspondence
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region 5
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, CO, IT&TSS
DHWM, NWDO File

ec: Michael Terpinski, DHWM, NWDO
Eric Getz, DHWM, NWDO
On-site Inspectors

NOTICE:	Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.
---------	--



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County
Notice of Violation

November 26, 2002

Mr. Ken Humphrey
Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Humphrey:

On November 6, 7, 8 and 12, 2002, Dave Ferguson and I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a hazardous waste compliance evaluation inspection (CEI) of the Envirosafe Services of Ohio, Inc.'s (ESOI) treatment, storage and disposal facility located in Oregon, Ohio. We inspected ESOI to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), Chapter 3745 of the Ohio Administrative Code (OAC) and the terms and conditions of ESOI's installation and operating permit issued by the Hazardous Waste Facility Board (HWFB) and revised May 7, 1996, by the Director of Ohio EPA, and the April 24, 2000, Director's Consent Order and Final Judgement.

The CEI included a tour of the facility and a review of written documentation. The facility was represented by Don Steyer, Bob Morris, Dave Ridenour and yourself. Enclosed you will find a copy of the checklists completed during the inspection and a process summary indicating hazardous wastes generated at the site.

The ground water monitoring program and financial assurance sections of the CEI checklist were not reviewed during this inspection. Ohio EPA's Northwest District Office conducts a separate and comprehensive evaluation of ESOI's entire ground water monitoring program annually in the spring. In addition, Ohio EPA's Central Office also performs a separate review of ESOI's financial assurance program annually.

During the inspection, we found the following violation of Ohio's hazardous waste laws:

1. **Manifest Discrepancies – OAC 3745-54-72(B):**

"Upon discovering a significant discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator shall immediately submit to the director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue."

Permit Condition B.3(a)(v)(a):

"... The Permittee shall notify the generator upon discovering a significant discrepancy. If the discrepancy is not resolved within fifteen (15) days, the Permittee shall immediately submit to the Director a letter describing the discrepancy, attempts to reconcile the discrepancy, and a copy of the manifest or shipping paper at issue. OAC Rule 3745-54-72(B)."

Mr. Ken Humphrey
November 26, 2002
Page Two

On September 12, 2002, ESOI received a truck shipment of hazardous waste under state manifest document number NJA 3191923 (enclosed). The generator weight for item 13 on the manifest did not agree with the quantity determined by ESOI's scales, and the discrepancy amounted to more than ten percent in weight, which constitutes a significant discrepancy. ESOI immediately started investigating the weight discrepancy with the transporter. In a letter dated October 4, 2002, (enclosed), the transporter explained the cause of the discrepancy. On October 8, 2002, ESOI finished its investigation into the discrepancy with the transporter and determined that the generator's weight listed on the manifest was correct. On October 25, 2002, ESOI sent a letter (enclosed) to the director describing the discrepancy and attempts to reconcile it, and a copy of the manifest at issue.

ESOI violated OAC Rule 3745-54-72(B) and Permit Condition B.3(a)(v)(a) when it failed to immediately submit a letter to the director when the discrepancy had not been resolved within 15 days of receiving the waste. In order to abate this violation, please respond to me in writing with ESOI's plan to avoid similar violations in the future. Please submit your response **within 30 days** of ESOI's receipt of this letter.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates, you may be able to reduce treatment and disposal costs, and you may possibly reduce your regulatory requirements.

If you have any questions or concerns, please call me at (419)698-3130.

Sincerely,



Jason M. Romp
Environmental Specialist
Division of Hazardous Waste Management

/cs

Enclosure

pc w/enclosure:

Tammy McConnell, DHWM, CO, IT&TSS
Oregon Document Depository - General Correspondence
DHWM, NWDO File

pc w/o enclosure:

Paul Little, U.S. EPA, Region V
Jack McMannus, AGO
Mayor Marge Brown, City of Oregon
Cindy Lohrbach, DHWM, NWDO
Shannon Nabors, DHWM, NWDO
Harry Sarvis, DHWM, CO
Michael Terpinski, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
On-site Inspectors, DHWM, NWDO

ec:



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County
Compliance Evaluation Inspection
Notice of Compliance

November 19, 2004

Mr. Kenneth Humphrey
Environmental Affairs Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Humphrey:

On October 26, 2004, through October 29, 2004, and continuing on November 4, 2004, Gary Deutschman and I conducted a compliance evaluation inspection (CEI) at Envirosafe Services of Ohio, Inc.'s (ESOI) hazardous waste treatment, storage and disposal facility (TSDF) located at 876 Otter Creek Road in Oregon, Ohio. Representing ESOI were you, Mr. Robert Morris, and Mr. Donald Steyer. Ohio EPA conducted this inspection to determine ESOI's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC), ESOI's July 23, 1991, Ohio Hazardous Waste Facility Installation and Operation Permit (permit), and the April 24, 2000, Director's Consent Order and Final Judgment. During the CEI, we also helped you identify ways to prevent pollution by reducing waste. Our inspection included an observation of facility operations and a review of written documentation.

No violations of the facility's hazardous waste permit or Ohio's hazardous waste laws were found during this CEI; however, several areas of concern were discussed with you during an exit meeting held on November 4, 2004. These concerns are as follows:

1. Ohio EPA is concerned that deficiencies discovered during routine inspections are not being addressed properly. Ohio EPA observed rodent damage on Cells H, I, and G during the CEI, and actual rodents moving in and out of burrow holes on the embankment of the Cell H pond prior to the CEI. Ohio EPA made you aware of this rodent activity; however, no damage to the closed cells is noted on any inspection forms. For instance, on inspection forms PC-3, PC-1, and MF-12, evidence of rodent damage on closed cells and in surface water management units is consistently marked either "NO" or "ACCEPTABLE". The intent of the inspection forms is to note problems so that they can be remedied before they become a threat to human health and/or the environment. Therefore, regardless of how insignificant an issue may appear, the problem should be noted on the inspection form to ensure that proper follow-up is conducted as required by your permit and Ohio's hazardous waste rules. Since the CEI, ESOI has repaired the rodent holes Ohio EPA observed and has set traps to capture the rodents. ESOI has also proposed to modify its inspection forms to ensure that inspection questions are being answered properly. Please contact me prior to making any changes to the facility's inspection forms. Upon concurrence, ESOI must submit any modification made to the inspection forms in accordance with OAC Rule 3745-50-51.



2. Ohio EPA observed that out-dated inspection forms were being used when inspecting the lab tank and the waterline trench. ESOI should ensure that its inspectors are using copies of the inspection forms found in the facility's approved permit application when inspections are conducted.
3. According to Permit Condition H.1.(e)(i), the Permittee shall update Attachment B to the permit annually for new waste codes that the facility accepts. Attachment B has not been updated accordingly. However, an up-to-date waste code list is available in the facility's Part A Permit Application, and waste codes received by the facility are submitted to Ohio EPA with the facility's annual report. Ohio EPA advises ESOI to either modify any permit conditions that reference Attachment B so that the Part A Permit Application is referenced in its place; or, modify Attachment B so that it correctly reflects all of the waste codes that ESOI is permitted to accept for storage, treatment, and disposal. Modifications must be conducted in accordance with OAC Rule 3745-50-51.
4. According to Permit Condition I.1.(c)(iv)(a), "No trees, shrubs, or other deep-rooted plants shall be allowed to grow on closed waste units". As stated in a return to compliance letter dated September 17, 2003, "ESOI shall maintain compliance with the rule by manually removing trees, shrubs or other deep-rooted plants from the areas of the closed waste units which cannot be reasonably mowed. ESOI shall remove the trees, shrubs or other deep-rooted plants in the fall quarter of each year. ESOI shall notify an Ohio EPA on-site inspector verbally, by letter, or by telephone at least 48 hours prior to beginning the vegetation removal efforts. Any damage to the closed waste unit cover system caused by the growth or removal of trees, shrubs or other deep-rooted plants shall be promptly repaired." During the CEI, Ohio EPA observed trees and shrubs growing on Cells G and H. ESOI must remove all shrubs and trees growing on closed cells in accordance with both the permit and the return to compliance agreement. ESOI should provide me with a schedule for the removal of the trees and shrubs observed during the CEI.

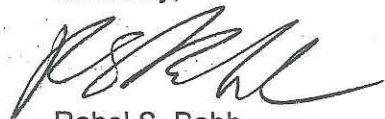
As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. And, you may possibly reduce your regulatory requirements.

Enclosed you will find a copy of the checklists that we completed during the inspection. Should you have any questions, please feel free to call me at (419)698-3130.

Mr. Kenneth Humphrey
November 19, 2004
Page Three

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>.

Sincerely,



Rahel S. Babb
District Representative
Division of Hazardous Waste Management

/cs

Enclosure

pc (w/enclosure): Oregon Document Depository
Tammy McConnell, DHWM, IT&TSS, CO
DHWM, NWDO File

pc (w/o enclosure): Mayor Marge Brown, City of Oregon
Jack McMannus, AGO
Paul Little, U.S. EPA, Region V
Cindy Lohrbach, DHWM, NWDO

ec: Shannon Nabors, District Chief, NWDO
Harry Sarvis, DHWM, CO
Jeanette Smith, DHWM, CO
Michael Terpinski, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
On-site Inspector, DHWM, NWDO

Note

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
RCRA TSD
OHD 045 243 706
Lucas County
Return to Compliance

November 13, 2003

Mr. Kenneth Humphrey, Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Dear Mr. Humphrey:

I received your response to my September 12, 2003, Notice of Violation (NOV) letter on September 22, 2003. Your response included your answers to the issues cited in reference to monthly submission of leachate reports (Permit Condition K.4(a)(i)), failure to run the M3 Secondary sump by-monthly as required by the permit (Permit Condition K.4(a)(iii)(a)), and exclusion of required certification statement in reports submitted to the Ohio EPA (Permit Condition A.23). In addition, a response to concerns regarding M1 Secondary Level Transducers were also addressed.

After review of the letter, Ohio EPA position is as follows:

1. Permit Condition K.4(a)(i)

This violation is not rescinded. ESOI has returned to compliance by submitting to the Ohio EPA, on a monthly basis primary and secondary leachate collection and removal systems records for Cell M. ESOI is up to date by submitting the leachate report for the month of September on October 9, 2003.

2. Permit Condition K.4(a)(iii)(a)

Ohio EPA relies on accurate and complete reporting by ESOI to ascertain compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), Chapter 3745 of the Ohio Administrative Code (OAC) and the terms and conditions of ESOI's Installation and Operation Permit (Permit). ESOI failed to accurately report that the M3 Secondary sump has been operated in bi-weekly basis in the period in question. This violation is not rescinded.

ESOI has returned to compliance by submitting an accurate report indicating the bi-weekly operation of the M3 Secondary sump in a letter dated September 16, 2003.

3. Permit Condition A.23

This violation is not rescinded. ESOI has return to compliance by including the certification statement in the cover letter dated September 16, 2003, including the Cell M leachate reports.

ESOI has satisfactorily addressed the concern regarding the leachate reading for M1 Secondary sump.



Mr. Kenneth Humphrey
November 13, 2003
Page Two

If you have any questions or concerns, please contact me at (419)698-3130.

Sincerely,



Edgar V. Pulido, ESII
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region V
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, IT&TSS, CO
DHWM, NWDO File

ec: Michael Terpinski, Supervisor, DHWM, NWDO
Eric Getz, Supervisor, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
John Pasquarette, Manager, DHWM, NWDO
On-site Inspectors

NOTICE:	Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.
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State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Re: ESOI Otter Creek Road Facility
RCRA TSDF
OHD 045 243 706
Lucas County
Return to Compliance

November 14, 2003

Mr. Kenneth Humphrey, Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

Corrected Copy

Dear Mr. Humphrey:

Thank you for your September 22, 2003, response to my September 12, 2003, Notice of Violation (NOV) letter that cited violations that were based on a review of the Cell M Leachate Reports for the months of November 2002 through April 2003 at Envirosafe Services of Ohio, Inc.'s (ESOI) treatment, storage and disposal facility (TSDF) located at 876 Otter Creek Road, Oregon, Ohio.

Your September 22, 2003, response included answers to the issues cited in reference to monthly submission of leachate reports, failure to run the M3 Secondary sump by-monthly, and exclusion of required certification statement in reports submitted to the Ohio EPA. In addition, a response to concerns regarding M1 Secondary Level Transducers was also addressed.

After my review of the September 22, 2003, response, Ohio EPA's position is as follows:

1. Permit Condition K.4(a)(i):

As originally stated: *"Ohio EPA has not received any Cell M leachate monitoring reports from ESOI since April 2003."*

This violation is not rescinded. ESOI has abated this violation by submitting to the Ohio EPA, all leachate monitoring reports for Cell M from April 2003 to August 2003. ESOI is up to date by submitting the leachate report for the month of September on October 9, 2003.

2. Permit Condition K.4(a)(iii)(a):

As originally stated: *"For sub-cells which do not have commercially available level monitoring equipment, ESOI must monitor for the presence of liquid in the Secondary Leachate Collection System (SLCS) by semiweekly (Sunday through Saturday) activation of the sub-cell pump until pump cavitation occurs or liquid flow ceases. Removal of liquids shall continue until such time as pump cavitation occurs or liquid flow ceases."*

Ohio EPA relies on accurate and complete reporting by ESOI to ascertain compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), Chapter 3745 of the Ohio Administrative Code (OAC), and the terms and conditions of ESOI's Installation and Operation Permit (Permit). ESOI failed to accurately report that the M3 Secondary sump has been operated on a bi-weekly basis in the period in question. This violation is not rescinded.

ESOI has abated this violation by submitting an accurate report indicating the bi-weekly operation of the M3 Secondary sump in a letter dated September 16, 2003.



Mr. Kenneth Humphrey
November 14, 2003
Page Two

3. Permit Condition A.23:

As originally stated: *"ESOI has not included the certification statement as required by the permit with monthly Cell M leachate monitoring reports."*

This violation is not rescinded. ESOI has abated this violation by including the certification statement in the cover letter dated September 16, 2003, including the Cell M leachate reports.

In addition, the Ohio EPA expressed concern regarding the leachate reading for the M1 Secondary sump. ESOI has satisfactorily addressed this concern.

If you have any questions or concerns, please contact me at (419)698-3130.

Sincerely,



Edgar V. Pulido
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region V
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, IT&TSS, CO
DHWM, NWDO File

ec: Michael Terpinski, Supervisor, DHWM, NWDO
Eric Getz, Supervisor, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
John Pasquarette, Manager, DHWM, NWDO
On-site Inspectors

NOTICE:	Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.
---------	--

MEMORANDUM TO: Mike Valentino, DE-9J, USEPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604

FROM: Lynn Ackerson, Ohio EPA NWDO, Division of Hazardous Waste Management, 347 North Dunbridge, Bowling Green, Ohio 43402

DATE: 26 April 1999

Mr. Valentino,

Enclosed are the photo's you requested in March. Some of the photos clearly show what appears to be K061 dust. Some of the photo's show dust build-up but it isn't that reddish-brown color like the K061 dust.

This week Shannon Nabors, Chuck Hull, and Erik Wineland are attending a hearing over ESOI's request to stay the Orders issued by OEPA in March. The appeal hearing will follow. Also, ESOI received OEPA's NOV from the December inspection around the same time they received USEPA's NOV. Needless to say, they're very busy these days.

In an April 1, 1999, inspection of the stabilization plant Erik Wineland and I found numerous violations including overflowing sort bins, open hazardous waste containers and tracking of hazardous waste outside the building.

I appreciate the opportunity to offer you my assistance and will be happy to gather any further information you may require.


Lynn Ackerson



Photo 1: Hazardous Waste Drum located in the Non-hazardous Storage Area that is dated 2/1/95



Photo 2: Hazardous Waste Drum located in the Non-hazardous Storage Area that is dated 2/1/95. The drums were stacked 3 high.



Photo 3: Open containers of non-catalyzed paint where the solvent is being allowed to evaporate



Photo 4: Unlabeled and opened container in the gun cleaning booth



Photo 5: Opened and unlabeled tote containing gun cleaning waste



Photo 6: Container of paint slop dated 2/12 with no year



Photo 7: Open funnel on drum (dark picture)



Photo 8: Open funnel on drum (same as photo 8)



Photo 9: Drum of unknown material with a green substance spilling on the ground

RECORDS CLASSIFICATION FORM FOR REGION V
RCRA RECORDS

Today's Date: Dec. 14, 2016

Site Name: Enduro safe Services dotti

ID Number: OHIO 045 243 706

Date(s) of Documents: April 2014

Type(s) of Document: Compliance / Enforcement

1 page

Quantity of Documents: No. of Box(es) _____ No. of Folder(s): _____

Sensitive: CBI Room _____ Enforcement Sensitive (Red Folder) _____

Documents can go to Federal Record Center: Yes _____ No _____
(Documents from FRC can be recalled in 48-72 hours)

Submitted by: CINDY DABNER

Telephone Number: dabner.cindy@epa.gov

Comments: _____



876 Otter Creek Road
Oregon, Ohio 43616-3518
Phone: (419) 698-3500 or (800-537-0426)
Fax (419) 698-8663
Website: www.envirosafeservices.com

March 18, 2014

Ms. Susan Hedman, Regional Administrator
USEPA, Region 5
77 West Jackson Boulevard
Mail Cod R-19J
Chicago, IL 60604-3507

RECEIVED
DIVISION FRONT OFFICE
APR 02 2014
LAND AND CHEMICALS DIVISION
U.S. EPA - REGION 5

RE: Envirosafe Services of Ohio, Inc
EPA I.D. Number OHD 045 243 706
Notice for Importation of Hazardous Waste

Dear Ms. Hedman:

In accordance with 40 CFR 264.12(a), Envirosafe Services of Ohio, Inc. (ESOI) is providing notification that it intends to import hazardous waste from the following foreign source:

Foreign Source

Tonolli Canada Ltd
1333 Tonolli Road
Mississauga, ON
L4Y 4C2

Importer

Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, OH
43616
EPA ID Number: OHD 045 243 706

Waste Code: D008

Waste Name: Separators

Process Generating Waste: Recycling of Lead Acid Batteries

ESOI is providing this notice at least four weeks in advance of the date the waste is expected to arrive at the facility. ESOI will comply with 40 CFR 262.60 (Imports of Hazardous Waste) and has the appropriate permits for, and will accept, the waste the generator is shipping.

If you have any questions, please contact Stephen DeLussa at 215-659-2001 extension 15.

Sincerely,

Douglas E. Roberts
President

cc:

Corey Heenan, ESOI
Lisa Humphrey, ESOI
Stephen DeLussa, ETI

RECEIVED
APR 02 2014
U.S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATOR

ENVIROSAFE
ENVIROSAFE SERVICES OF OHIO, INC.

876 Otter Creek Road
Oregon, Ohio 43616

CERTIFIED MAIL™



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US POSTAGE

FIRST-CLASS MAIL
\$06.48⁰

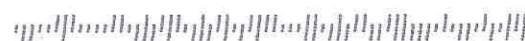


ZIP 43616
041L10221503

Ms. Susan Hedman
Mail Code: R-19J
USEPA, Region 5
77 W. Jackson Blvd.
Chicago IL 60604-3507

LCD
RECEIVED
DIVISION FRONT OFFICE
APR 02 2014
LAND AND CHEMICALS DIVISION
U.S. EPA - REGION 5

606043507





ESOI stabilization plant vent
March 1999
Oregon, Ohio

APR. 1999 FAX
KROXPAK
KROXPAK

APR. 1999 FAX
KROXPAK
KROXPAK



ESOI Stabilization Plant Vents
March 1999
Oregon, Ohio

APR. 1999 FRK
KNOX
KNOX

APR. 1999 FRK
KNOX
KNOX

ESOI Stabilization Plant Vents
March 1999
Oregon, Ohio

APR. 1999 FRK
KNOX
KNOX

APR. 1999 FRK
KNOX
KNOX



ESOI Stabilization Plant Vent
March 1999
Oregon, Ohio

INVOICELK
APR 1999 FRK

INVOICELK
APR 1999 FRK

ESOI Stabilization Plant
vents
March 1999
Oregon, Ohio

INVOICELK
APR 1999 FRK

INVOICELK
APR 1999 FRK

Form for Bringing New (Never Catalogued) RCRA Files
to the Region 5 RCRA Records Center

Today's Date: 2-8-17

Your name: Michael Valentino

Phone: 6-4582

Site Name: Envirosafe of Ohio

Site EPA ID Number: DHD 045 243 706

Type(s) of documents:

RCRA CA RFA ☐

RCRA enforcement ☒

RCRA CA RFI ☐

RCRA permit ☐

RCRA CA CMS ☐

TSCA spill cleanup ☐

RCRA CA CMI ☐

Other (describe): ☐

Quantity of documents: # of boxes: _____ # of folders: _____

Is any information sensitive or FOIA-exempt? Yes ☐ No ☒

If yes, why is it sensitive/FOIA-exempt?

- RCRA CBI ☐
- Attorney-client privilege records for an on-going EPA legal action ☐
- Attorney work product for an on-going EPA legal action ☐
- Would reveal EPA's internal deliberations for an on-going legal action ☐
- Contains personal privacy info (e.g. SSN, home address, or medical info) ☐
- Related to an ongoing civil or criminal investigation ☐
- Could identify a confidential source ☐
- Would reveal EPA law enforcement techniques or procedures ☐

**PLEASE SEGREGATE ANY SENSITIVE/EXEMPT INFORMATION
AND IDENTIFY IT AS SUCH.**

Can documents go straight to the Federal Record Center (archives)? Yes ☒ No ☐
(Documents can be recalled from FRC in 48-72 hours)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 26 1997

CERTIFIED MAIL NO. Z 410 698 907

RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

DRE-8J

C. T. Corporation System
Registered Agent for:
Envirosafe Services of Ohio, Inc.
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

Re: Administrative Complaint, Proposed Compliance
Order and Notice of Opportunity For Hearing
issued to Envirosafe Services of Ohio, Inc.
U.S. EPA I.D. No.: OHD 045 243 706

To Whom It May Concern:

~~5-RCRA~~ '97-008

Enclosed please find an Administrative Complaint, Proposed Compliance Order and Notice of Opportunity For Hearing ("Complaint"), which alleges multiple violations of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6901 through 6992k, by Envirosafe Services of Ohio, Inc. ("ESOI") at its facility located at 876 Otter Creek Road, Oregon, Lucas County, Ohio. The United States Environmental Protection Agency ("U.S. EPA") is authorized to take this action pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The specific violations alleged are set forth in the Complaint.

As more fully discussed in the section of the Complaint entitled Notice Of Opportunity For Hearing, ESOI may contest any part of the Complaint by filing a written answer to the Complaint within thirty (30) days of service of this Complaint upon ESOI. The Answer must comport with the requirements of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties And the Revocation or Suspension of Permits" ("Rules of Practice"), 40 C.F.R. Part 22, which require, among other things that the Answer state whether ESOI requests a hearing. 40 C.F.R. § 22.15(b). A copy of the Rules of Practice is enclosed for your convenience. The original copy of the Answer, and the original copy of all other pleadings or documents filed in this case shall be filed with Regional Hearing Clerk,

whose address is:

Ms. Sonja Brooks
Regional Hearing Clerk
U.S. EPA, Region 5 (R-19J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

A copy of each pleading or other document filed in this action should also be delivered the following attorney who represents the Complainant in this matter:

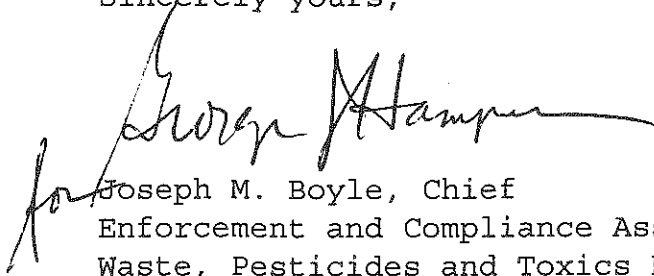
Timothy J. Chapman
Assistant Regional Counsel
U.S. EPA, Region 5 (C-29A)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Mr. Chapman may be contacted by telephone at (312) 886-6829.

Regardless of whether ESOI chooses to request a hearing within the prescribed time limit following the service of this Complaint, ESOI may request an informal settlement conference. Topics for discussion at the settlement conference may include the establishment of a compliance schedule or the mitigation of the proposed penalty in accordance with relevant Agency guidance. A request for an informal settlement conference with the U.S. EPA will not affect or extend the thirty (30) day deadline to file an Answer in order to avoid a Finding of Default on the Complaint.

A request for an informal settlement conference should be directed to the attorney whose name and address appear above.

Sincerely yours,



for Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

whose address is:

Ms. Sonja Brooks
Regional Hearing Clerk
U.S. EPA, Region 5 (R-19J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

A copy of each pleading or other document filed in this action should also be delivered the following attorney who represents the Complainant in this matter:

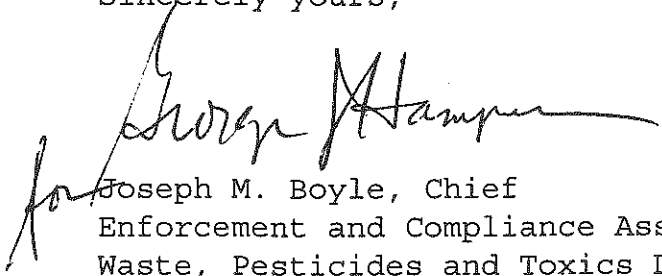
Timothy J. Chapman
Assistant Regional Counsel
U.S. EPA, Region 5 (C-29A)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Mr. Chapman may be contacted by telephone at (312) 886-6829.

Regardless of whether ESOI chooses to request a hearing within the prescribed time limit following the service of this Complaint, ESOI may request an informal settlement conference. Topics for discussion at the settlement conference may include the establishment of a compliance schedule or the mitigation of the proposed penalty in accordance with relevant Agency guidance. A request for an informal settlement conference with the U.S. EPA will not affect or extend the thirty (30) day deadline to file an Answer in order to avoid a Finding of Default on the Complaint.

A request for an informal settlement conference should be directed to the attorney whose name and address appear above.

Sincerely yours,



Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Enclosures

cc: Linda Welch, OEPA
Ed Hammett, OEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)

ENVIROSAFE SERVICES OF OHIO, INC.)
Oregon, Ohio,)

U.S. EPA I.D. No: OHD 045 243 706)

Respondent.)

Docket No. ~~5~~RCRA- '97-008

RECEIVED

JUN 27 1997
REGIONAL HEARING
CLERK

ADMINISTRATIVE COMPLAINT,
PROPOSED COMPLIANCE ORDER
and
NOTICE OF OPPORTUNITY FOR HEARING

I

ADMINISTRATIVE COMPLAINT

GENERAL ALLEGATIONS

1. This is a civil administrative action instituted pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2), and Sections 22.01(a)(4) and 22.13 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits ("Rules of Practice"), 40 C.F.R. §§ 22.01(a)(4), 22.13.

2. The Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency ("U.S. EPA"), is, by lawful delegation, the Complainant.

3. The Respondent is Envirosafe Services of Ohio, Inc. ("Envirosafe" or "Respondent"), which, continuously since before November 7, 1988, has been a corporation organized under the laws of the State of Ohio.

4. Respondent is a "person" as defined at Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

5. Section 3001 of RCRA, 42 U.S.C. § 6921, authorizes the Administrator of U.S. EPA to identify criteria of "hazardous waste," as defined at Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and to list specific hazardous wastes.

6. Pursuant to Section 3001 of RCRA, 42 U.S.C. § 6921, the Administrator of U.S. EPA first identified criteria of hazardous waste and listed specific hazardous wastes on May 19, 1980 (45 Fed. Reg. 33119), which were codified at 40 C.F.R. Part 261. From time to time thereafter, the Administrator has amended the regulations at 40 C.F.R. Part 261.

7. Section 3004 of RCRA, 42 U.S.C. § 6924, authorizes the Administrator of U.S. EPA to promulgate regulations, applicable to owners and operators of facilities for the treatment, storage, or disposal ("TSD") of identified or listed hazardous waste, establishing such performance standards as may be necessary to protect human health and the environment.

8. Pursuant to Section 3004 of RCRA, 42 U.S.C. § 6924, the Administrator of U.S. EPA first promulgated regulations applicable to hazardous waste TSD facilities on May 19, 1980 (45 *Fed. Reg.* 33221), which were codified at 40 C.F.R. Part 264. From time to time thereafter, the Administrator has amended the regulations at 40 C.F.R. Part 264.

9. Section 3005 of RCRA, 42 U.S.C. § 6925, authorizes the Administrator of U.S. EPA to promulgate regulations establishing a permit program for hazardous waste TSD facilities.

10. Pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, the Administrator of U.S. EPA first promulgated regulations establishing a permit program for hazardous waste TSD facilities on April 1, 1983 (48 *Fed. Reg.* 14228), which were codified at 40 C.F.R. Part 270. From time to time thereafter, the Administrator has amended the regulations at 40 C.F.R. Part 270.

11. Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), authorizes States, upon approval by the Administrator of U.S. EPA, to operate hazardous waste programs in lieu of the Federal program established under RCRA.

12. On June 30, 1989, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA first granted final authorization to the State of Ohio to administer and

enforce a hazardous waste program in the State of Ohio that partially operated in lieu of the Federal program established under RCRA. 54 *Fed. Reg.* 27173. The authorized program for the State of Ohio has, from time to time, been amended and is codified at 40 C.F.R. Part 272, Subpart KK.

13. Pursuant to 40 C.F.R. § 272.1800(c), U.S. EPA has specifically reserved the right to exercise its enforcement authorities under Sections 3007, 3008, 3013 and 7003 of RCRA, 42 U.S.C. §§ 6927, 6928, 6934 and 6973, including enforcement of the incorporated state regulations.

14. Continuously since at least November 7, 1988, Respondent owned and operated a facility located at 876 Otter Creek Road, Oregon, Lucas County, Ohio ("the facility").

15. Continuously since at least November 7, 1988, Respondent's activities at the facility have included the treatment, storage and disposal of hazardous waste.

16. Continuously since at least November 7, 1988, Respondent's facility has been designated by the unique U.S. EPA identification number OHD 045 243 706.

17. Continuously since at least November 7, 1988, Respondent has been subject to the requirements of 40 C.F.R. Parts 263 and 264 as they apply to the facility.

18. On November 7, 1988, pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, U.S. EPA issued to Respondent a hazardous waste management permit for the facility ("the Permit").

19. From time to time since November 7, 1988, the Permit has been modified in accordance with the regulations set forth at 40 C.F.R. Part 270.

20. 40 C.F.R. § 270.30 states that the conditions set forth at 40 C.F.R. § 270.30 apply to all permits issued pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925.

21. 40 C.F.R. § 270.30(a) and Condition III.A. of the Permit state the Respondent is only allowed to treat, store and/or dispose of hazardous waste in accordance with the conditions of the Permit, except as specifically exempted by law from such compliance.

22. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue to any person in violation of any provision of Sections 3001 through 3023 of RCRA, 42 U.S.C. §§ 6921 through 6939e, an order assessing a civil penalty for any

past or current violation, requiring compliance immediately or within a specified time period, or both.

23. Any violation of the requirements set forth at 40 C.F.R. Part 264, 40 C.F.R. § 270.30 and/or the Permit constitutes a violation of RCRA subject to enforcement action under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT I
(TRACKING OF HAZARDOUS WASTE OUTSIDE CONTAINMENT BUILDING)

24. The General Allegations of the Complaint are incorporated by reference as though set forth here in full.

25. One of the buildings at the facility is known as the "containment building."

26. Respondent temporarily stores and treats wastes at the containment building prior to ultimately disposing of such treated wastes.

27. One of the wastes treated at the containment building is electric arc furnace ("EAF") dust.

28. EAF dust is generated from emission controls applied to the primary production of steel in electric furnaces.

29. EAF dust is listed as a hazardous waste under 40 C.F.R. § 261.32 under the unique U.S. EPA hazardous waste identification number K061.

30. EAF dust is a "hazardous waste" as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).

31. 40 C.F.R. § 264.1101(c)(1)(iii) requires, among other things, that each owner or operator of a containment building take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste.

32. Permit Condition V.H.2.a.i.cc. requires that Respondent take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste.

33. On December 31, 1996, EAF dust was present on the ground outside of the containment building in which Respondent was treating the EAF waste.

34. On December 31, 1996, Respondent failed to take measures to prevent the tracking of hazardous waste out of the containment building by personnel or by equipment used in handling the waste.

35. Respondent violated 40 C.F.R. § 264.1101(c)(1)(iii) and Permit Condition V.H.2.a.i.cc. by failing to take measures to prevent the tracking of hazardous waste out of the containment building by personnel or by equipment used in handling the waste.

36. Respondent's violation of 40 C.F.R. § 264.1101(c)(1)(iii) and Permit Condition V.H.2.a.i.cc. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT II
(FAILURE TO PROVIDE 24-HOUR NOTICE OF TRACKING VIOLATION)

37. The General Allegations of the Complaint and the allegations of Paragraphs 25 through 36 are incorporated by reference as though set forth here in full.

38. 40 C.F.R. § 270.30(l)(6)(i) requires, among other things, that the permittee notify the Regional Administrator orally within 24 hours from the time the permittee becomes aware of any non-compliance with the permit that may endanger human health or the environment.

39. Permit Condition III.Q. requires, among other things, that Respondent notify the Regional Administrator orally within 24 hours from the time the permittee becomes aware of any non-compliance with the permit that may endanger human health or the environment.

40. Respondent became aware of the unlawful tracking of EAF dust out of the containment building, as described in Count I above, no later than December 31, 1996.

41. The presence of EAF dust on the ground outside of the containment building may endanger human health or the environment.

42. Pursuant to 40 C.F.R. § 270.30(l)(6)(i) and Permit Condition III.Q., Respondent was required to notify the Regional Administrator orally on or before January 1, 1997.

43. Respondent failed to notify the Regional Administrator of the unlawful tracking of EAF dust outside of the containment building, as described in Count I above, on or before January 1, 1997.

44. Respondent violated 40 C.F.R. § 270.30(l)(6)(i) and Permit Condition III.Q. by failing to notify the Regional Administrator orally on or before January 1, 1997, of the unlawful tracking of EAF dust outside of the containment building, as described in Count I above.

45. Respondent's violation of 40 C.F.R. § 270.30(l)(6)(i) and Permit Condition III.Q. subjects Respondent to a civil

penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT III
(FAILURE TO PROVIDE 5-DAY NOTICE OF TRACKING VIOLATION)

46. The General Allegations of the Complaint and the allegations of Paragraphs 25 through 36 are incorporated by reference as though set forth here in full.

47. 40 C.F.R. § 270.30(1)(6)(iii) requires, among other things, that the permittee notify the Regional Administrator in writing within five days of the time the permittee becomes aware of any non-compliance with the permit that may endanger human health or the environment.

48. Permit Condition III.Q. requires, among other things, that Respondent notify the Regional Administrator in writing within five days of the time the permittee becomes aware of any non-compliance with the permit that may endanger human health or the environment.

49. Respondent became aware of the unlawful tracking of EAF dust out of the containment building, as described in Count I above, no later than December 31, 1996.

50. The presence of EAF dust on the ground outside of the containment building may endanger human health or the environment.

51. Pursuant to 40 C.F.R. § 270.30(l)(6)(iii) and Permit Condition III.Q., Respondent was required to notify the Regional Administrator in writing on or before January 4, 1997.

52. Respondent failed to notify the Regional Administrator of the unlawful tracking of EAF dust outside of the containment building, as described in Count I above, on or before January 4, 1997.

53. Respondent violated 40 C.F.R. § 270.30(l)(6)(iii) and Permit Condition III.Q. by failing to notify the Regional Administrator in writing on or before January 4, 1997, of the unlawful tracking of EAF dust outside of the containment building, as described in Count I above.

54. Respondent's violation of 40 C.F.R. § 270.30(l)(6)(iii) and Permit Condition III.Q. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT IV
(EXCEEDANCE OF CONTAINMENT WALL HEIGHT)

55. The General Allegations of the Complaint and the allegations of Paragraphs 25 and 26 are incorporated by reference as though set forth here in full.

56. One of the areas inside the containment building is known as the "sort bin."

57. One of the wastes stored and/or treated at the containment building is slag from smelting operations.

58. Slag from smelting operations that is stored and/or treated at the containment building is a "solid waste," as defined at 40 C.F.R. § 261.2.

59. Any solid waste that contains more than five milligrams per liter ("mg/l") of lead is listed as a hazardous waste under 40 C.F.R. § 261.24(b) under the unique U.S. EPA hazardous waste identification number D008 because such waste exhibits the characteristics of toxicity.

60. 40 C.F.R. § 264.1101(c)(1)(ii) requires that each owner or operator of a containment building maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded.

COUNT IV
(EXCEEDANCE OF CONTAINMENT WALL HEIGHT)

55. The General Allegations of the Complaint and the allegations of Paragraphs 25 and 26 are incorporated by reference as though set forth here in full.

56. One of the areas inside the containment building is known as the "sort bin."

57. One of the wastes stored and/or treated at the containment building is slag from smelting operations.

58. Slag from smelting operations that is stored and/or treated at the containment building is a "solid waste," as defined at 40 C.F.R. § 261.2.

59. Any solid waste that contains more than five milligrams per liter ("mg/l") of lead is listed as a hazardous waste under 40 C.F.R. § 261.24(b) under the unique U.S. EPA hazardous waste identification number D008 because such waste exhibits the characteristics of toxicity.

60. 40 C.F.R. § 264.1101(c)(1)(ii) requires that each owner or operator of a containment building maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded.

67. Respondent violated 40 C.F.R. § 264.1101(c)(1)(ii) and Permit condition V.H.2.a.i.bb. by failing to maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of a containment wall was not exceeded.

68. Respondent's violation of 40 C.F.R. § 264.1101(c)(1)(ii) and Permit condition V.H.2.a.i.bb. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT V
(EXCEEDANCE OF CONTAINMENT WALL HEIGHT)

69. The General Allegations of the Complaint and the allegations of Paragraphs 25, 26 and 56 through 61 are incorporated by reference as though set forth here in full.

70. On May 21, 1997, Respondent was storing slag from smelting operations in the sort bin of the containment building.

71. On May 21, 1997, the slag contained in the sort bin of the containment building contained lead in amounts greater than five mg/l.

72. On May 21, 1997, the slag contained in the sort bin was a listed hazardous waste under the unique U.S. EPA hazardous

67. Respondent violated 40 C.F.R. § 264.1101(c)(1)(ii) and Permit condition V.H.2.a.i.bb. by failing to maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of a containment wall was not exceeded.

68. Respondent's violation of 40 C.F.R. § 264.1101(c)(1)(ii) and Permit condition V.H.2.a.i.bb. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT V
(EXCEEDANCE OF CONTAINMENT WALL HEIGHT)

69. The General Allegations of the Complaint and the allegations of Paragraphs 25, 26 and 56 through 61 are incorporated by reference as though set forth here in full.

70. On May 21, 1997, Respondent was storing slag from smelting operations in the sort bin of the containment building.

71. On May 21, 1997, the slag contained in the sort bin of the containment building contained lead in amounts greater than five mg/l.

72. On May 21, 1997, the slag contained in the sort bin was a listed hazardous waste under the unique U.S. EPA hazardous

waste identification number D008 pursuant to 40 C.F.R.

§ 261.24(b).

73. On May 21, 1997, the slag in the sort bin of the containment building exceeded the height of the containment wall of the bin within which it was being stored and/or treated.

74. On May 21, 1997, Respondent failed to maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of a containment wall was not exceeded.

75. Respondent violated 40 C.F.R. § 264.1101(c)(1)(ii) and Permit condition V.H.2.a.i.bb. by failing to maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of a containment wall was not exceeded.

76. Respondent's violation of 40 C.F.R. § 264.1101(c)(1)(ii) and Permit condition V.H.2.a.i.bb. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT VI
(FAILURE TO PROVIDE 7-DAY NOTICE OF LINER SYSTEM FAILURE)

77. The General Allegations of the Complaint are incorporated by reference as though set forth here in full.

78. Respondent operates one or more landfills at the facility.

79. One landfill at the facility is known as "Cell M."

80. Cell M is divided into four separate areas called "phases," one of which is called "Phase 1."

81. Respondent commenced construction of Cell M after July 29, 1992.

82. Phase 1 of Cell M contains a liner system consisting of at least a primary layer and a secondary layer.

83. The secondary layer of Phase 1 of Cell M consists of a lower component consisting of recompact clay and an upper component consisting of a high density polyethylene ("HDPE") that is placed in direct contact with the lower component.

84. 40 C.F.R. § 264.31 requires that all facilities must be designed, constructed, maintained, and operated to minimize the possibility of, among other things, any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

85. 40 C.F.R. § 264.301(c)(1)(ii) requires that hazardous waste landfill units first constructed after July 29, 1992, contain, among other things, a liner system that meets the construction requirements of 40 C.F.R. § 264.301(a)(1)(i)-(iii).

86. 40 C.F.R. § 264.301(a)(1)(ii) requires, among other things, that the liner be constructed of materials that prevent wastes from passing into the liner during the active life of the facility, and that the liner be placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift.

87. Continuously since completion of the construction of Phase 1 of Cell M, Respondent has been disposing of "hazardous waste," as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), into Phase 1 of Cell M.

88. The liner system of Phase 1 of Cell M is subject to the requirements of 40 C.F.R. §§ 264.31, 264.301(c)(1)(ii) and 264.301(a)(1)(ii).

89. Prior to September 10, 1994, a bubble of liquid developed between the HDPE component and the recompacted clay component of the secondary layer of the liner system for Phase 1 of Cell M.

90. On September 10, 1994, approximately 3,909 gallons of trapped liquid were removed from the bubble.

91. The presence of the bubble between the HDPE component and the recompacted clay component of the secondary layer of Phase 1 of Cell M demonstrates a failure of the liner system to perform in the manner of a liner system properly constructed in accordance with the requirements as required by 40 C.F.R. §§ 264.31, 264.301(c)(1)(ii) and 264.301(a)(1)(ii).

92. Permit Condition V.I.1.o. requires Respondent to notify the Regional Administrator of Region 5, U.S. EPA, in writing within seven days of the failure of the run-off management system, cell liner sideslope, liner or piping materials, or construction techniques to perform as required by, among other things, the requirements set forth at 40 C.F.R. § 264.301(c).

93. At the very latest, Respondent became aware of the bubble condition, and therefore of the liner system failure, on September 10, 1994.

94. Pursuant to Permit Condition V.I.1.o., Respondent was required to notify the Regional Administrator of the failure of the liner system on or before September 17, 1994.

95. Respondent failed to notify the Regional Administrator in writing on or before September 17, 1994, of any failure of the liner system for Phase 1 of Cell M.

96. Respondent violated Permit Condition V.I.1.o. by failing to notify the Regional Administrator in writing on or before September 17, 1994, of the failure of the liner system for Phase 1 of Cell M.

97. Respondent's violation of Permit Condition V.I.1.o. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT VII
(FAILURE TO PROVIDE 7-DAY NOTICE OF LINER SYSTEM FAILURE)

98. The General Allegations of the Complaint and the allegations of Paragraphs 78 through 88 are incorporated by reference as though set forth here in full.

99. Prior to June 28, 1996, a bubble of liquid developed between the HDPE component and the recompacted clay component of the secondary layer of the liner system for Phase 1 of Cell M.

100. On June 28, 1996, approximately 1,180 gallons of trapped liquid were removed from the bubble.

101. The presence of the bubble between the HDPE component and the recompacted clay component of the secondary layer of Phase 1 of Cell M demonstrates a failure of the liner system to perform in the manner of a liner system properly constructed in accordance with the requirements as required by 40 C.F.R. §§ 264.31, 264.301(c)(1)(ii) and 264.301(a)(1)(ii).

102. Permit Condition V.I.1.o. requires Respondent to notify the Regional Administrator of Region 5, U.S. EPA, in writing within seven days of the failure of the run-off management system, cell liner sideslope, liner or piping materials, or construction techniques to perform as required by, among other things, the requirements set forth at 40 C.F.R. § 264.301(c).

103. At the very latest, Respondent became aware of the bubble condition, and therefore of the liner system failure, on June 28, 1996.

104. Pursuant to Permit Condition V.I.1.o., Respondent was required to notify the Regional Administrator of the failure of the liner system on or before June 28, 1996.

105. Respondent failed to notify the Regional Administrator in writing on or before June 28, 1996, of any failure of the liner system for Phase 1 of Cell M.

106. Respondent violated Permit Condition V.I.1.o. by failing to notify the Regional Administrator in writing on or before June 28, 1996, of the failure of the liner system for Phase 1 of Cell M.

107. Respondent's violation of Permit Condition V.I.1.o. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT VIII
(FAILURE TO SAMPLE/ANALYZE AT GMW MR-01D - APRIL 1996)

108. The General Allegations of the Complaint are incorporated by reference as though set forth here in full.

109. Respondent operates and maintains multiple groundwater monitoring wells ("GMWs") at the facility.

110. Among the GMWs that Respondent operates and maintains at the facility is a GMW designated as GMW MR-01D.

111. Permit Condition V.A.2.d.i. requires Respondent to perform quarterly (January, April, July, October) sampling of the GMWs listed in Attachments V-A through V-C of the Permit, and to analyze those samples for the various contaminants.

112. GMW MR-01D is listed in Attachment V-B of the Permit.

113. Pursuant to Permit Condition V.A.2.d.i., Respondent was required during 1996 to perform quarterly sampling and analysis of samples from GMW MR-01D.

114. Respondent failed to sample or analyze samples taken from GMW MR-01D during April 1996.

115. Respondent violated Permit Condition V.A.2.d.i. by failing to sample or analyze samples taken from GMW MR-01D during April 1996.

116. Respondent's violation of Permit Condition V.A.2.d.i. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT IX

(FAILURE TO SAMPLE/ANALYZE AT GMW MR-01D - JULY 1996)

117. The General Allegations of the Complaint and the allegations of Paragraphs 109 through 113 are incorporated by reference as though set forth here in full.

118. Respondent failed to sample or analyze samples taken from GMW MR-01D during July 1996.

119. Respondent violated Permit Condition V.A.2.d.i. by failing to sample or analyze samples taken from GMW MR-01D during July 1996.

120. Respondent's violation of Permit Condition V.A.2.d.i. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT X
(FAILURE TO SAMPLE/ANALYZE AT GMW MR-01D - OCTOBER 1996)

121. The General Allegations of the Complaint and the allegations of Paragraphs 109 through 113 are incorporated by reference as though set forth here in full.

122. Respondent failed to sample or analyze samples taken from GMW MR-01D during October 1996.

123. Respondent violated Permit Condition V.A.2.d.i. by failing to sample or analyze samples taken from GMW MR-01D during October 1996.

124. Respondent's violation of Permit Condition V.A.2.d.i. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT XI
(FAILURE TO SAMPLE/ANALYZE AT GMW MR-01S - APRIL 1996)

125. The General Allegations of the Complaint and the allegations of Paragraph 109 are incorporated by reference as though set forth here in full.

126. Among the GMWs that Respondent operates and maintains at the facility is a GMW designated as GMW MR-01S.

127. Permit Condition V.A.2.d.i. requires Respondent to perform quarterly (January, April, July, October) sampling of the GMWs listed in Attachments V-A through V-C of the Permit, and to analyze those samples for various contaminants.

128. GMW MR-01S is listed in Attachment V-C of the Permit.

129. Pursuant to Permit Condition V.A.2.d.i., Respondent was required during 1996 to perform quarterly sampling and analysis of samples from GMW MR-01S.

130. Respondent failed to sample or analyze samples taken from GMW MR-01S during April 1996.

131. Respondent violated Permit Condition V.A.2.d.i. by failing to sample or analyze samples taken from GMW MR-01S during April 1996.

132. Respondent's violation of Permit Condition V.A.2.d.i. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT XII

(FAILURE TO SAMPLE/ANALYZE AT GMW MR-01S - JULY 1996)

133. The General Allegations of the Complaint and the allegations of Paragraphs 109 and 126 through 129 are incorporated by reference as though set forth here in full.

134. Respondent failed to sample or analyze samples taken from GMW MR-01S during July 1996.

135. Respondent violated Permit Condition V.A.2.d.i. by failing to sample or analyze samples taken from GMW MR-01S during July 1996.

136. Respondent's violation of Permit Condition V.A.2.d.i. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT XIII

(FAILURE TO SAMPLE/ANALYZE AT GMW MR-01S - OCTOBER 1996)

137. The General Allegations of the Complaint and the allegations of Paragraphs 109 and 126 through 129 are incorporated by reference as though set forth here in full.

138. Respondent failed to sample or analyze samples taken from GMW MR-01S during October 1996.

139. Respondent violated Permit Condition V.A.2.d.i. by failing to sample or analyze samples taken from GMW MR-01S during October 1996.

140. Respondent's violation of Permit Condition V.A.2.d.i. subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT XIV
(FAILURE TO NOTIFY OF CLASS 1 MODIFICATION - GMW MR-01(D))

141. The General Allegations of the Complaint and the allegations of Paragraphs 109 are incorporated by reference as though set forth here in full.

142. Prior to August 22, 1996, Respondent had an existing GMW at the facility designated as GMW MR-01(D).

143. GMW MR-01(D) is listed in the Permit (Attachment V-C) as a GMW subject to the requirements of the Permit.

144. On or about August 22, 1996, Respondent replaced GMW MR-01(D) because it had been damaged or had become inoperable, but did not change the location, design or depth of the well.

145. 40 C.F.R. § 270.42, Appendix I, defines as a "Class 1" permit modification the replacement of a GMW that has become

damaged or inoperable, but which does not include a change in the location, design or depth of the well.

146. Respondent's replacement of GMW MR-01(D) on or about August 22, 1996, constitutes a Class 1 permit modification, pursuant to 40 C.F.R. § 270.42, Appendix I, to the Permit.

147. 40 C.F.R. § 270.42(a)(i) authorizes permittees to put into effect Class I permit modifications provided that, for U.S. EPA administered programs, the permittee notifies the Regional Administrator by certified mail within seven calendar days after the change is put into effect.

148. Pursuant to 40 C.F.R. § 270.42(a)(i), Respondent was required to notify the Regional Administrator by certified mail on or before August 29, 1996, of the replacement of GMW MR-01(D).

149. Respondent failed to notify the Regional Administrator by certified mail on or before August 29, 1996, of the replacement of GMW MR-01(D).

150. Respondent violated 40 C.F.R. § 270.42(a)(i) by failing to notify the Regional Administrator by certified mail on or before August 29, 1996, of the replacement of GMW MR-01(D).

151. Respondent's violation of 40 C.F.R. § 270.42(a)(i) subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT XV
(FAILURE TO NOTIFY OF CLASS 1 MODIFICATION - GMW MR-01(S))

152. The General Allegations of the Complaint and the allegations of Paragraphs 109 are incorporated by reference as though set forth here in full.

153. Prior to August 22, 1996, Respondent had an existing GMW at the facility designated as GMW MR-01(S).

154. GMW MR-01(S) is listed in the Permit (Attachment V-C) as a GMW subject to the requirements of the Permit.

155. On or about August 22, 1996, Respondent replaced GMW MR-01(S) because it had been damaged or had become inoperable, but did not change the location, design or depth of the well.

156. 40 C.F.R. § 270.42, Appendix I, defines as a "Class 1" permit modification the replacement of a GMW that has become damaged or inoperable, but which does not include a change in the location, design or depth of the well.

157. Respondent's replacement of GMW MR-01(S) on or about August 22, 1996, constitutes a Class 1 permit modification, pursuant to 40 C.F.R. § 270.42, Appendix I, to the Permit.

158. 40 C.F.R. § 270.42(a)(i) authorizes permittees to put into effect Class I permit modifications provided that, for U.S. EPA administered programs, the permittee notifies the Regional Administrator by certified mail within seven calendar days after the change is put into effect.

159. Pursuant to 40 C.F.R. § 270.42(a)(i), Respondent was required to notify the Regional Administrator by certified mail on or before August 29, 1996, of the replacement of GMW MR-01(S).

160. Respondent failed to notify the Regional Administrator by certified mail on or before August 29, 1996, of the replacement of GMW MR-01(S).

161. Respondent violated 40 C.F.R. § 270.42(a)(i) by failing to notify the Regional Administrator by certified mail on or before August 29, 1996, of the replacement of GMW MR-01(S).

162. Respondent's violation of 40 C.F.R. § 270.42(a)(i) subjects Respondent to a civil penalty and/or compliance order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

II

PROPOSED CIVIL PENALTY

Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes the assessment of a civil penalty of up to \$25,000 per day for each violation of Sections 3001 through 3023 of RCRA, 42 U.S.C.

§§ 6921 through 6939e. Based upon the nature and seriousness of the violations alleged herein, the potential harm to human health and the environment presented by the violations, Respondent's good faith efforts to comply, and the ability of the Respondent to pay a civil penalty, Complainant proposes that Respondent be assessed a civil penalty of ONE-HUNDRED FORTY THOUSAND THREE HUNDRED FIFTY DOLLARS (\$140,350.00) for the violations alleged in this Complaint.

Complainant derived the penalties proposed in this Complaint by applying the factors enumerated above to the particular allegations that constitute the violations charged in this action. The reasoning for each assessment is delineated in the "RCRA Civil Penalty Policy" (October 1990). Attachment 1 to this Complaint provides a detailed summary for the proposed civil penalty as calculated in accordance with the RCRA Civil Penalty Policy. The total civil penalty calculated in accordance with the RCRA Civil Penalty Policy is \$139,900.00.

However, pursuant to the Civil Penalties Inflation Adjustment Act, 28 U.S.C. § 2461, as amended by the Debt Collection Improvement Act of 1996, the civil penalty for violations occurring after January 30, 1997, must be increased by

10%. 61 Fed. Reg. 69360 (December 31, 1996). Since the violations for Counts IV and V occurred after January 30, 1997, an additional 10% penalty (\$225.00) is assessed for each of those two counts.

Respondent may pay this penalty by certified or cashier's check, payable to "Treasurer, the United States of America," and remit to:

U.S. EPA, Region 5
P.O. Box 70753
Chicago, Illinois 60673

A copy of the check shall be sent to:

Timothy J. Chapman
Assistant Regional Counsel
U.S. EPA, Region 5 (C-29A)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Branch Secretary
Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5 (DRE-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

A transmittal letter identifying this Complaint shall accompany the remittance and the copy of the check.

III

PROPOSED COMPLIANCE ORDER

Based on the violations alleged in the Administrative Complaint, and pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Complainant proposes that Respondent be issued a Compliance Order that requires it to take all actions reasonable and necessary to assure full compliance with the

Permit and any and all applicable regulations, including, but not limited to, the Permit conditions and regulations that are the subject of this action.

IV

OPPORTUNITY TO REQUEST A HEARING

As provided in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and in accordance with the Administrative Procedure Act, 5 U.S.C. § 551 et seq., you have the right to request a hearing regarding the proposed Complaint, to contest any material fact contained in this Complaint, the appropriateness of the amount of the proposed penalty, and/or the appropriateness of the proposed compliance order. Any hearing that you request will be held and conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. § 551 et seq., and the Rules Of Practice, a copy of which is enclosed for your convenience.

If you wish to avoid being found in default, you must file a written Answer within 30 days of service of this Complaint with the Regional Hearing Clerk, whose address is:

Regional Hearing Clerk
U.S. EPA, Region 5 (R-19J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with respect to which Respondent has any knowledge, or clearly state that Respondents have no knowledge as to particular factual allegations in the Complaint. Pursuant to 40 C.F.R. § 22.15(b),

the Answer must also state:

1. The circumstances or arguments that you allege constitute the grounds of defense;
2. The facts that you intend to place at issue; and
3. Whether you request a hearing.

Pursuant to 40 C.F.R. § 22.15(d), the failure admit, deny, or explain any material factual allegation contained in the Complaint constitutes an admission of the allegation.

A copy of this Answer and any subsequent documents filed in this action should also be sent to:

Timothy J. Chapman
Assistant Regional Counsel
U.S. EPA, Region 5 (C-29A)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Mr. Chapman may be telephoned at (312) 886-6829.

If you fail to file a written Answer, with or without a Request for Hearing, within 30 days of your receipt of this Complaint, the Regional Administrator or Presiding Officer may issue a Default Order. Issuance of a Default Order will constitute a binding admission of all facts alleged in the Complaint and a waiver of your right to a hearing under RCRA. The civil penalty proposed in this Complaint shall then become due and payable without further proceedings 60 days after a Final Order of Default is issued pursuant to 40 C.F.R. § 22.17(a). In addition, the default penalty is subject to the provisions relating to imposition of interest, penalty and handling charges set forth in the Federal Claims Collection Act, 31 U.S.C. § 3717. Interest will accrue on the default penalty at the rate

established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. U.S. EPA will impose a late payment handling charge of \$15 after thirty 30 days, with an additional charge of \$15 for each subsequent 30 day period over which an unpaid balance remains. In addition, U.S. EPA will apply a six percent (6%) per annum penalty on any principal amount not paid within 90 days of the date that the Default Order is signed by the Regional Administrator or Presiding Officer.

V

SETTLEMENT CONFERENCE

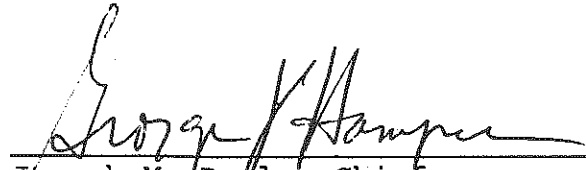
Whether or not you request a hearing, you may request an informal conference in order to discuss the facts of this case and to arrive at a settlement. To request an informal settlement conference, please write to the attorney whose name and address appear in Section IV above (Opportunity To Request A Hearing).

Your request for an informal settlement conference does not extend the 30 day period during which you must submit a written Answer and Request for Hearing. You may pursue the informal conference procedure simultaneously with the adjudicatory hearing procedure.

U.S. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement through an informal conference. However, U.S. EPA will not reduce the penalty simply because such a conference is held. Any settlement that may be reached as a result of such conference shall be

embodied in a written "Consent Agreement and Consent Order"
("CACO") issued by the Regional Administrator.

The issuance of a CACO shall constitute a waiver of your
right to request a hearing on any matter stipulated matter in the
CACO.


for Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
U.S. EPA, Region 5 (DRE-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Dated: June 26, 1997

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 1997, the original and one copy of the foregoing Administrative Complaint, Proposed Compliance Order and Notice of Opportunity For Hearing were hand delivered to the Regional Hearing Clerk, Region 5, U.S. EPA, and that a true and correct copy, along with a transmittal letter and a copy of the Rules of Practice (40 C.F.R. Part 22), were caused to be mailed by certified first class mail, return receipt requested, to the Respondent by placing such copy in the custody of the United States Postal Service addressed as follows:

C. T. Corporation System
Registered Agent for:
Envirosafe Services of Ohio, Inc.
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

Certified Mail # Z 410 698 907

On this same date, a true and correct copy of the Administrative Complaint, Proposed Compliance Order and Notice of Opportunity For Hearing was caused to be mailed to each of the following OEPA officials by placing such copies in the custody of the United States Postal Service addressed as follows:

Linda Welch, Chief
Department of Hazardous Waste Management
Ohio Environmental Protection Agency
1800 WaterMark Drive, 2nd Floor
P.O. Box 1049
Columbus, Ohio 43216

Ed Hammett
Northwest District Office - OEPA
347 North Dunbridge Road
Bowling Green, Ohio 43402

Anita Perry

Anita Perry, Secretary
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
U.S. EPA, Region 5

ATTACHMENT 1 - ENVIROSAFE PENALTY TABLE

NATURE OF VIOLATION	CITATION	PH/ED	ADD'TL DAYS	MULTI-DAY PENALTY	ADJUSTMENTS	GRAVITY - BASED	TOTAL PENALTY
Count 1 - Tracking of hazardous waste outside of the containment building on December 31, 1996	40 CFR 264.1101(c)(1)(iii), Federal Permit Section V.H.2.a.i.cc	Minor/Major	N/A	N/A	N/A	\$2,250	\$2,250
Count 2 - Failure to provide 24-hour notice of tracking violation in Count 1	40 CFR 270.30(l)(6)(i) and Federal Permit Section III.Q	Minor/Major	N/A	N/A	N/A	\$2,250	\$2,250
Count 3 - Failure to provide 5-day notice of tracking violation in Count 1	40 CFR 270.30(l)(6)(iii) and Federal Permit Section III.Q.	Minor/Major	N/A	N/A	N/A	\$2,250	\$2,250
Count 4 - Exceedance of containment wall height on April 1, 1997	40 CFR 264.1101(c)(1)(ii) and Federal Permit Section V.H.2.a.i.bb.	Minor/Major	N/A	N/A	N/A	\$2,250	\$2,250
Count 5 - Exceedance of containment wall height on May 21, 1997	40 CFR 264.1101(c)(1)(ii) and Federal Permit Section V.H.2.a.i.bb.	Minor/Major	N/A	N/A	N/A	\$2,250	\$2,250
Count 6 - Failure to provide 7-day notice of liner system failure or other landfill component	Fed. Permit Section V.I.1.o.	Minor/Major	179	\$62,650	\$0	\$2,250	\$64,900
Count 7 - Failure to provide 7-day notice of liner system failure or other landfill component	Fed. Permit Section V.I.1.o.	Minor/Major	111	Compressed with Count 6	\$0	\$2,250	\$2,250
Count 8 - Failure to sample GMW MR-01D in April 1996	Federal permit section V.A.2.d.i.	Moderate/Major	N/A	N/A	N/A	\$9,500	\$9,500
Count 9 - Failure to sample GMW MR-01D in July 1996	Federal permit section V.A.2.d.i	Moderate/Major	N/A	N/A	N/A	\$9,500	\$9,500
Count 10 - Failure to sample GMW MR-01D in October 1996	Federal permit section V.A.2.d.i.	Moderate/Major	N/A	N/A	N/A	\$9,500	\$9,500
Count 11 - Failure to sample GMW MR-01S in April 1996	Federal permit section V.A.2.d.i.	Moderate/Major	N/A	N/A	N/A	\$9,500	\$9,500

NATURE OF VIOLATION	CITATION	PH/ED	ADD'TL DAYS	MULTI-DAY PENALTY	ADJUSTMENTS	GRAVITY - BASED	TOTAL PENALTY
Count 12 - Failure to sample GMW MR-01S in July 1996	Federal permit section V.A.2.d.i.	Moderate/Major	N/A	N/A	N/A	\$9,500	\$9,500
Count 13 - Failure to sample GMW MR-01S in October 1996	Federal permit section V.A.2.d.i.	Moderate/Major	N/A	N/A	N/A	\$9,500	\$9,500
Count 14 - Replaced GMW MR-01(D) on 08/22/96 without notifying EPA of Class 1 modification	40 CFR 270.42(a)(ii)	Minor/Major	N/A	N/A	N/A	\$2,250	\$2,250
Count 15 - Replaced GMW MR-01(S) on 08/22/96 without notifying EPA of Class 1 modification	40 CFR 270.42(a)(ii)	Minor/Major	N/A	N/A	N/A	\$2,250	\$2,250
TOTAL PENALTY							\$139,900

PH/ED = Potential for Harm/Extent of Deviation

Economic benefit: This component of the penalty is not being considered as no violation occurred from anything which resulted in financial gain to ES01

Gravity-based component = \$8,000 to \$10,999; mid-range of cell (\$9,500) selected for Moderate/Major violations
\$1,500 to \$2,999; mid-range of cell (\$2,250) selected for Minor/Major violations

Multi-day component = \$100 to \$600 per day of violation; mid-range of cell (\$350 per day) selected for Minor/Major violations with multiple day penalty assessed

Number of days for count 7 determined from day of bubble identification (June 28, 1996) to date of detailed engineering report submittal (October 11, 1996), which was submitted at the request of EPA in accordance with section V.I.1.o.i. of the Federal permit, as no verbal notification at any time was given to EPA